

ATTACHMENT 2: “1 Brian Hill's proof of innocence for the court in 2022.pdf”

For “MEMORANDUM OF STELLA FORINASH AND
KENNETH FORINASH IN FAVOR OF ACTUAL
INNOCENCE OF BRIAN DAVID HILL; IN SUPPORT OF
WHY BRIAN DAVID HILL SUSPECTS BLACKMAIL OF
“JUDGES” AND “OFFICIALS”; AND IN SUPPORT OF
GROUND VI - UNCONSTITUTIONAL INTERFERENCE
WITH THE STATE COURT PROCESS AND/OR
UNWARRANTED USURPATION OF POWER AGAINST
THE STATE COURT PROCESS IN VIOLATION OF THE
TENTH AMENDMENT OF THE UNITED STATES
CONSTITUTION; AND IN SUPPORT OF 2255 MOTION
(DOC. #291)”

Case no. 1:13-cr-435-1; civil no. 1:22-CV-00074

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

We are not attorneys and can't afford an attorney, but Mr. Hill is our grandson, our posterity who is disabled, and we are tired of watching this federal court calling him names such as "Delusional" while ignoring his true disabilities, not once have we read any medical records outside of this court call him "delusional". He & his family have proven his innocence to this court, and now his family wants him to file this to the courts from his family with PDF PROOFS of his innocence and the proof that this court is ignoring all of his Constitutional & Bill of Rights as well as his Civil Rights being violated by various members of the federal court in North Carolina, USA as well as jails associated with this court. Mr. Hill has become a victim of judicial tyranny & persecution. He had a lazy, ineffective attorney who really did not represent him or his constitutional rights, mostly his 6th amendment right to due process. Here is an example of what one magistrate judge in the middle district of NC said:

g. The Merits

As explained above, all of Petitioner's grounds are time-barred. However, if the Court were to reach the merits of Petitioner's grounds for relief, it would deny them.

Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 19 of 27

Brian's grandmother has put together 8 PDF's with proof of Brian Hill's ACTUAL INNOCENCE from investigations by Brian, his mom and his grandparents and some have been in this court from September, 2014, some in 2015 and a lot as the result of Brian's 2255 Motion from November, 2017. "Brian Hill's Proof of Evidence for the Court in 2022" (47 pages); "Who is Brian Hill – Pictures & Descriptions" (22 pages) ; "Brian's treatment in jail with Brittle Diabetes, Autism & OCD" (29 pages); "Threats" (19 pages); "Investigation 1" (38 pages); "Investigation 2" (37 pages); "Danville, VA – Brian – Discovery" (16 pages) and the PDF: "Actual Innocence" (32 pages). Declaration from Brian's family 6/8/2017: Case 4:17-cv-00027-JLK-RSB Document 12-5 Filed 06/12/17 Page 1 of 9

<https://www.courtlistener.com/docket/6064365/12/5/hill-v-executive-office-for-united-states-attorneys/>

“The Sixth Amendment requires counsel to consult with the defendant concerning whether to appeal when counsel has reason to believe **either:**

If the defendant expressed his intention to appeal, and counsel decided not to file an appeal without having discussed the matter further with the defendant after he was sentenced, counsel’s performance would be constitutionally deficient. *United States v. Witherspoon*, 231 F.3d 923 (4th Cir. 2000).” (emphasis added)

Please read the 32 page PDF called **“ACTUAL INNOCENCE”**. We show proof that after this court appointed Mr. Hill an attorney that one judge described as “the best attorney in the middle district of North Carolina” who (1) did not get Mr. Hill bail to be able to go home for the 5 months before trial where he had his proof of innocence. This violated Mr. Hill’s 8th Amendment Right to not have cruel and unusual punishments inflicted. It also violated his 5th, 6th and 14th Constitutional Amendment Rights. Please read the 22 page PDF called **“Who is Brian Hill – Pictures & Discriptions”**. Brian was subject to “Cruel and Unusual punishment” due to 11 months of torture in various jails which denied Brian his slow acting insulin for 11 months which covers him for 24 hours per day. Many times the jails only gave him 2 insulin shots after breakfast & after dinner per day which covered 8 hours of the 24 hour day. He is a brittle type 1 diabetic. He was denied insulin during court days and given 1 shot that evening. He was removed constantly from jail to jail which affected his autism and OCD in a very bad way. All disabilities were ignored by this court and the jails. This is also a violation of his Civil Rights. See proof in this 29 page PDF called **“Brian’s Treatment in Jail with brittle diabetes, autism & OCD”**.

(2) A defense attorney should take the time to go over discovery all aspects which can show the jury his client is innocent or at least the benefit of a doubt. Going over the police evidence: Two police admit in the police report that they hacked into a personal computer and don’t show a search warrant to do this signed by a judge. They do admit to getting a search warrant a week later to do a police raid in his and his mother’s home to obtain all computers, memory sticks, hard drives, CD’s, etc. This is a clear 4th Amendment violation. See the 38 pages PDF called **“INVESTIGATION 1”** <https://www.justice.gov/file/442111/download>

(3) This attorney and Brian listened to a confession tape from the Mayodan, NC police where Brian said he was innocent and later said he was guilty and liked to go to Walmart and look at little children and had downloaded child porn for a year or so. Attorney Placke showed Brian his signature of being guilty (false confession) of downloading child porn on the police report and a few pages from the police report. This is an easy case according to this lawyer. Mr. Hill pleaded guilty. Case closed, but is it really that easy? Haven’t there been many people who pleaded guilty

who were actually proven innocent in the court of law? Let's compare Mr. Hill's statements with the prosecution's discovery. He said he had downloaded files for a year or so. Police report said 1 week. NC SBI said one year and one week starting July 20, 2012. Police removed this computer from his home on August 28, 2012. That is 1 month and 1 week, not a year. 11 months of that year Mr. Hill did not have that computer. Mistake by NC SBI? False report? Police and NC SBI downloading child porn (files of interest) for 11 months or could this be a computer virus? 1 week OR 1 month and 1 week does not equal a year or so. Mr. Hill did not give true facts here.

Detectives determined the IP address 24.148.156.211 was first logged into the Child Protection Systems (CPS) undercover system by the automated tools on July 20, 2012 offering to participate in the distribution of child pornography. Between July 20, 2012, and July 26, 2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools.

Distribution?? From the Mayodan, NC Police report dated 8/22/2012

NC SBI report – 454 files had been downloaded with emule program

July 20, 2012 until July 28, 2013 (Police took this computer on August 28, 2012)

Note the U. S. Attorney's answer to Brian's 2255 on 1/10/2018, he brings out this one sided conversation only parts of what Brian said nothing about what the police said. I can read this in 1 minute. The actual interrogation lasted about one hour. Case 1:13-cr-00435-TDS Document 141 Filed 01/10/18 Page 8 - 9 of 14. Grand jury did not know about Brian's disabilities & this is lunchtime.

We also noticed in the NC SBI discovery materials something else that Mr. Placke did not bring to the court's attention. The NC SBI did not say "child porn". They called it "Files of interest". There was no affidavit by SBI Agent Rodney White as we saw none of that in the discovery packet. North Carolina forensic law requires an affidavit by a forensic scientist. Rodney White did not file an affidavit with the federal prosecutor or the grand jury about his expertise in computer forensics. They never did confirm each and every file of interest to being verified as child porn and never even discovered who the alleged victims are. Even the Pre-sentence Investigation Report did admit that there are no victims and no victims seem to be able to be identified. Even Brian's counselor thought that made no sense that he has no victims, and they cannot identify who the alleged victims are. This may theoretically be a sign that the entire child porn case may be a fraud. https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_8/Article_7C.pdf

SBI CASE NUMBER: 2012-02146 (915)

SYNOPSIS:

Limewire/Frostwire, Luckywire, Shareaza Search Keywords, and Usenet Binary Files.

The results of the analysis are as follows:

Ares Search Keywords: One search keyword "very sexy"

eMule Known.net: The Known.net saves all files eMule knows of whether they are shared files, files currently in the download list, or downloaded in the past. For every file, information like file size, file name, hash sets, hash values, and some statistics are saved. From the analysis, this record showed that 454 files had been downloaded with the eMule program between July 30, 2012, and July 28, 2013. This record also showed that files were shared with other users and the number of times each file was shared.

What about the net book computer that Mr. Hill said had files in it? The police got that on August 29th with serial number. The NC SBI report shows no files of interest in this net book. That's 2 statements from Mr. Hill which is false. Why would he do that? He says he likes children yet his mom & grandparents who are with him all the time since he does not drive or own a car says that is not true. Why is Mr. Hill saying things that have been proven not true? Does this have anything to do with his disabilities? Let me read about autism, brittle type 1 diabetes and OCD. Is there anything about any of these disabilities that could cause him to say these things because his confession is proving to be false. What time was this interrogation? Lunch time. Could his blood sugar have gone low? Did the police acknowledge doing anything according to the Americans with Disabilities Act? Did they violate his Civil Rights? I need to get this confession tape examined by a professional and get his family in here to hear this tape and get their thoughts on this as they know Mr. Hill well. None of this happened so Brian was again denied his Civil Rights as well as his 6th Amendment Rights. For proof, see the PDF "Investigation 1". The prosecution had access to all of this information as well.

(4) Discovery from the prosecution: Attorney Placke let Brian listen to the false Confession tape, let him see certain parts of the Mayodan Police Report, did not show him the NC SBI report. Mr. Hill signed that he wanted for his family to hear the tape and to read all of the discovery. Attorney Placke said on the phone that Brian's family was not allowed to see any of the discoveries and wrote that in an email and that he was not allowed to discuss it with us. This was denying this disabled client of his right to due process (Fifth and Fourteenth Amendment Constitution violation by court appointed attorney). For proof, see the PDF "Investigation 1".

(5) Attorney Placke ignored all other proof in Brian's case including ignoring the threats Mr. Hill & others had received. In these threats, whoever sent them admitted in April, 2013 to putting child porn on Brian's computer and hard drives. According to the NC SBI report which we all (Brian, his mom & grandparents) got to read together in January, 2015 from Brian's 2nd court attorney after Brian was convicted and allowed to come home, it said "Items of Interest" downloaded from July 20, 2012 – July 28, 2013 (police got all computers, hard drives, etc. on August 28, 2012 police raid). It had no photos at all and said there was apparently files of interest in Brian's laptop computer, 2 hard drives and one USB stick. This agreed with what one of the threats said. Placke should have taken those threats more serious and had them investigated. See the 19 pages PDF "THREATS". There were even more threats after Brian tried to appeal his case in 2015.

(6). Not only did Attorney Placke ignore all of Brian's PROOF of innocence including deleting all proof Brian's family sent to him via email, he ignored all witnesses who came forth denying Brian his right to witnesses. Downloading child porn is a computer crime and since Brian had an alternative news website on the Internet, he had many witnesses who knew he was innocent including other attorneys. This is part of the "Threats" above. Some of these witnesses also received similar threats as well as child porn images in emails and on their computers to put a stop to alternative news and freedom of speech. Brian's First Amendment Constitutional Rights have been violated because the courts did exactly what the threats wanted. Brian has not been allowed to be on the Internet for over 7 years and has had his home address and his photo associated with the "Sex Registry" although Brian is 31 years old, disabled, a virgin, no reports at all of him raping anyone or hurting any child, and he has NEVER downloaded child porn.

If there was child porn on his computer & hard drives, it belongs to someone else, not him. This is a clear violation of his Constitutional Rights as well as his Civil Rights per Attorney Placke who acted more like a prosecution attorney than a defense attorney. This violated Mr. Hill's due process Sixth Amendment of the constitution. Mr. Hill was appointed an attorney who hurt Brian's case all of the way by ignoring all of the PROOF that Mr. Hill is innocent of this crime and should not have spent one day or one night in jail. See the 37 Pages PDF "INVESTIGATION 2".

(7) Attorney Placke did not inform the court that in a child porn case, there must be FORENSIC EVIDENCE. We did not see any forensic evidence when we were reading the NC SBI Discovery in Jan. 2015. Also we read in the Mayodan police report that Detective Bridge was going through the computers after the police raid where Detective Brim claimed he found the child porn according to the police, the files of interest according to the NC SBI and of unknown source according to the government. Detective Robert Bridge is not a certified forensic scientist, and so he should not have even looked through the computer files or anything. That alone would risk breaking or contaminating or ruining the chain of secure custody of items for forensic analysis for child porn

investigations. They wanted to quickly find the so-called child porn and then just coerce a confession from the suspect. Then the case goes away and goes to trial. However, this type of speedy investigation harmed Brian David Hill because they refused to acknowledge trojans, viruses, following strict forensic practices and procedures, and affidavits to confirm their expertise and experience.

In the false confession audio, if it can ever be acquired, he said in the recorded audio that they made the claim of finding alleged CP on the computer. Never showed any alleged CP photos to Brian Hill and Roberta Hill. Nothing in the audio for the confession audio gives any inference that they showed the claimed found CP. Just said it was found on the computer. The audio does not show them saying something like "let me show you what was found on the computer" to try to obtain a confession by showing the actual child porn image or images. None of that was done. They never showed during the interrogation any of what they claimed they found on the computer. (per Brian Hill). Nothing in the federal prosecution's discovery packet proves that either Robert Bridge or Todd Brim know of computer viruses or anything about computer forensics. They didn't adhere to any special procedure or discipline. Police report from August 2012 has the proof.

Forensic procedures were not really shown to have been followed. There was just an "SBI Case File" which we all saw at the attorney's office. It was never specifically entitled a "forensic report". The Court and Attorney Placke acted like it is a forensic report, but it is not titled a forensic report because then it would have to follow strict forensic procedures. None of that was ever followed. Any good attorney worth their salt would have dismissed the child porn case of Brian Hill just with that alone. When framing somebody with a crime, forensic procedures will not be followed because framing somebody would be more difficult under strict forensic procedures.

Both court appointed attorneys: Eric Placke & John Scott Coalter failed to bring up the facts that both police detectives: Robert Bridge & Todd Brim were not certified forensic scientists, the NC SBI report was not a forensic report and had no photos at all, and there was no affidavit by SBI Agent Rodney White. North Carolina forensic law requires an affidavit by a forensic scientist. All of this information should have been prepared by June 9, 2014 to show to the jury. Since that didn't happen, then all of this as well as the conflicts in the police report, NC SBI and the misleading comments by Mr. Hill due to autism & brittle type 1 diabetes being questioned at lunch time not agreeing with the findings, the threat emails, etc. should have been brought to the court's attention in October or November, 2014 along with other things presented in these 8 PDFs.

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_8/Article_7C.pdf

<https://www.justice.gov/file/442111/download> <https://www.ojp.gov/pdffiles1/nij/199408.pdf>

(8) Mr. Hill was denied his constitutional rights to a jury trial where the witnesses against him were to be questioned as well as witnesses for his defense. This was a violation of his Sixth

Amendment Rights. He was denied this by the defense attorney and the prosecution attorney using his very family against him. Attorney Placke called Mr. Hill's family the night before the jury was to be selected, June 9, 2014 to tell them to tell Brian to say he's guilty. His attorney had no proof and no witnesses for a jury and told Brian's family the autism can't be used and Brian's family was not allowed to testify. The prosecution had the proof (discoveries from police & NC SBI, not sure about witnesses) so without any proof or witnesses for Mr. Hill, he would automatically get 20 years in prison. Again remember the discovery actually proved conflicts in his testimony (Brian's family was not allowed to see any of that at the time). Some of the PDF's here is the proof sent to this attorney and the court and ignored by this attorney and this court; remember especially the PDF about diabetes in jail. For Brian 20 years in prison was like a death sentence for a crime he didn't commit. Having an attorney like that was worse than no attorney at all. The court considered this a good plea agreement between a prosecution attorney and a defense attorney. Brian and his family consider it a guilty plea under duress and undue influence and a denial of his constitutional rights where justice was not served in his case since he is in fact innocent of the crime, guilty of having autism, type 1 brittle diabetes, OCD and anxiety. This is again a violation of his constitutional rights by 2 federal attorneys:

All of this is considered "New evidence" which much of it was not discovered until after Brian was released from jail and none of it was allowed per Mr. Hill's attorney to be used in the court. Brian's family wanted to present this for our disabled grandson because it all proves his actual innocence and in what ways his constitutional, civil & medical rights were denied to him.

The basis of why Brian's family wants Mr. Hill acquitted of this alleged crime, removed from probation, removed from the sex registry due to ACTUAL INNOCENCE are: His due process and all of his constitutional rights have been violated. All agencies & attorneys and the court itself have ignored federal laws pertaining to disabilities of American citizens. We show proof of police misconduct, prosecutorial misconduct, and ineffective assistance of counsel – all causing false confessions due to many of his constitutional bill of rights being ignored. This court is basing everything on "words" nothing about reality (FACTS).

We will prove beyond a shadow of a doubt using the discovery materials that was supposed to be used to prove guilt actually prove he is innocent. We read time and time again that the defendant plead "guilty" nothing showing actual guilt. This is based on the "words" a person with autism (a communication disability according to medical doctors) & brittle type 1 diabetes is using during a police interrogation at lunch time where this 22 year old male is repeating words the police are actually saying. The prosecution uses this information (words not action) to get a grand jury to indict him. This is all one sided. We will prove this case has been one sided the entire year of 2014. This time our proof to this court will be based on "FACTS" not on "WORDS" from someone with autism which is a communication disability. We know Mr. Hill due to our 31 years experience

dealing with him and his many disabilities: Brittle type 1 diabetes with glucose highs and lows, diabetic seizures, autism (communication disability), anxiety, OCD, etc. In fact, the prosecution's own discovery proved that the "guilty" plea had no facts to agree with the "Guilty".

What is Brian Hill guilty of? Possession? What is his intent? Possession of what? Child porn? Why would a policeman say that he is familiar with this child porn and the government says "None of the children have been identified as part of a known series by the National Center for missing and exploited children (NCMEC) Document #33, Filed 09/16/2014, Page 6 of 26"? Why would this child porn be downloading for 11 months after the computer was confiscated? Eleven months after Brian Hill was no longer in possession. Is this child porn actually a virus? Can a person be in possession of a computer that contains a virus causing some type of fake child porn? The person owns this virus since they own the computer? Did they actually intend to own it? Since a virus has taken over this computer, does this mean that the owner actually wants this virus controlling his computer? We have established that he owns & was in possession of the computer, but what proof do we have that he actually owns the virus? Is it possible for someone else to hack into a computer and put a virus on this computer? Then who owns the virus: The one who puts it in the computer or the one who owns the computer?

If we could have afforded to hire the Roberts Law Group of NC, they would have read the discovery which showed child porn downloading for months after police took the computer. This is what their website says about that: "CHILD PORNOGRAPHY THROUGH A COMPUTER VIRUS? A recent Associated Press investigation, however, has revealed a number of instances where computer viruses have, in fact, been designed to place pornographic images of children on the computers of innocent victims. For those affected, proving their innocence costs thousands of dollars – sometimes hundreds of thousands. In 2007, a former Massachusetts workers' compensation investigator was charged with possession of child pornography when his employer found child porn on the hard drive of his state-issued computer.

An inspection later revealed that the computer was badly infected; it had been programmed to visit over 2000 child porn sites per hour, all without his knowledge. After almost a year, the case against him was dropped, but not before he lost his job and his friends. He even had his car vandalized and experienced death threats. What can you do to protect yourself? Keeping your computer's firewall or antivirus program up to date will help, as will refraining from opening email attachments from unknown sources. Also, if you believe that you have been charged wrongly for possession of child pornography, contact an experienced criminal defense attorney immediately. What happens to the poor who can't afford an attorney? It's clear that the court appointed attorneys did nothing to help our grandson. The attorney called Brian's family the night before trial and told them to tell Brian to say "Guilty" because in reality an attorney without a case is worse than no attorney at all. We will prove later that due to this and other things, Brian's Sixth

Amendment right to a fair trial was violated. Plus this court appointed attorney acted more like a prosecuting attorney working against Mr. Hill. He never allowed Mr. Hill or Mr. Hill's family to read any of the NC SBI Discovery. (Oh, yes, we have a PDF folder called "THREATS" where this person admits putting it there) <https://www.robertslawteam.com/articles/child-pornography-through-a-computer-virus/>

(1) No bail was set for Brian David Hill even after Brian had a court appointed attorney.

Should that have been the first duty of this attorney? As soon as this attorney was appointed, Mr. Hill's family sent affidavits from each member of Brian's family as well as medical proof of all of his disabilities, yet no bail was set and later Brian's family discovered all email attachments were deleted by Mr. Placke, and we never once saw in any court records any mention by Attorney Placke that Mr. Hill had autism, brittle type 1 diabetes, seizure history, anxiety history or OCD in December, 2013 or January, 2014.

Brian was on Medicaid in Virginia, had several medical doctors close by, he had a medical waiver in VA which paid his mom 40 hours a week to assist Mr. Hill. She was a nurses' aid in NC, and actually devoted more than 40 hours per week, but the rest of time was on a voluntary basis as she had done since his birth. He received an SSI disability check when home (none of this money was sent to him while incarcerated). Brian Hill lived in a small apartment in his grandparents' 4 apartment house in Martinsville, VA. His mom had another apartment close by to care for Brian's medical needs, and his grandparents were close by in a third apartment. There was no way that Mr. Hill was a flight risk as he did not own or drive a vehicle, had no credit cards, had no savings. Mr. Hill had never been convicted on any other crime before this. The case against Mr. Hill was based on 2 local police who hacked into his computer 6 days before they obtained a search warrant and even wrote in the search warrant that they did this without obtaining a search warrant for probable cause to hack into his personal computer. More about this later. Then they got a false confession during a lunchtime interrogation the next day after the hours long local police raid. Attorney Placke had received via email and fax copies of Mr. Hill's medical records from Mr. Hill's family that he had brittle type 1 diabetes which required insulin shots and had autism spectrum disorder (ASD) which is a communication disability which could cause him to utter words with no real meaning to him during this interrogation.

This police raid happened 16 months before Mr. Hill's arrest. In that length of time, Mr. Hill remained in his apartment in the same address in Martinsville, VA. This address was given to the Mayodan police department in 2012. Mr Hill has severe OCD, and after police touched everything in the home where he had lived for 7 years, Mr. Hill refused to ever go back in that home after the police raid. Mr. Hill's attorney never made any arrangements to meet with Brian's family nor did he try to get bail for Mr. Hill. Due to this, Mr. Hill suffered

many Civil Rights violations by more than one jail. For proof, see our PDF called: "Brian's Treatment in Jail with Brittle Diabetes, Autism & OCD".

Here are the basis and violations per Brian's family's research: To obtain bail, here is a list of things which must be considered. Family thought in Dec. 2013 that since Mr. Hill had an attorney, he would obtain bail arguing that Mr. Hill's computers and many other items were removed from his home via a police raid 16 months before his arrest. He never once tried to leave nor did he injure anyone. Mr. Hill had no prior criminal history at the age of 23 at the time of his arrest. There were no other complaints against Mr. Hill, no other reports of child porn being downloaded. He had a stable family caring for his needs, was on a Virginia medical waiver, SSI disability and he needed to be at home to obtain all of his insulin and for medical and mental reasons. Mr. Hill had lived in the same house in Mayodan, NC since 2005 and had been visiting and spending nights at his grandparents' home in Martinsville, VA since 2007 (6 years) where he was now living and was well acquainted with the elderly neighbors on both sides. That is the reason his grandmother did another PDF for this court to see. Read what Brian's mother says about Mr. Hill and what some of his friends said. Mr. Hill did not do alcohol or illegal drugs.

This 22 page PDF is called "Who is Brian Hill – Pictures & Descriptions". Now see our legal basis as to why Brian should have been given bail and brought home to be with his family. Our source is obtained from a PDF called "The Bail Reform Act of 1984 (Third Edition)":

Page 14 The history and characteristics of the person, including— (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. 32 United States v. Torres, 929 F.2d 291 (7th Cir. 1991).

Congress required judges to consider "family ties" when deciding whether defendants are likely to flee. 18 U.S.C. § 3142(g)(3)(A). The district judge's approach, by contrast, treats these as irrelevant. The judge must listen to the defendants' relatives, and not restrict defendants to proffers from counsel. Section 3142(f) requires no less. United States v. Gebro, 948 F.2d 1118,

1121 (9th Cir. 1991); Defendant requests release pursuant to the Bail Reform Act ("BRA") 18 U.S.C. § 3142.

Let's go to the prosecutor's discovery and ask why the 3 lawyers in Brian's case (the prosecuting attorney, the 2 court appointed attorneys) did not question this. On August 22, 2012 which was 1 month and 12 days after USWGO put a video on YouTube about the Mayodan attorney and the Mayodan police chief and wrote some articles on his USWGO page (We have proof of this as well July 10, 2012: See PDF "Investigation 1"). On Aug 22, 2012 without obtaining a search warrant, 2 police hacked into Mr. Hill's computer and claim they saw child porn which one police claimed on this search warrant obtained after hacking into Mr. Hill's private computer he recognized as being part of the NCMEC. This is clear evidence that Mr. Hill's Fourth Amendment was violated, yet these 3 attorneys ignored this. A good attorney would have shown this to a jury. Case 1:13-cr-00435-TDS Document 84-2 Filed 04/27/15 Page 20

(2) Violation of Fourth Amendment law by police & ignored by 3 attorneys. The police chief is aware of who Mr. Hill is before the child porn allegations from previous town hall meetings plus Mr. Hill (USWGO) sent emails to this police chief in 2012. He has sent this information to the court in September, 2014 after his family realized he had attorneys who ignored all witnesses and all proof in his case including all of his constitutional rights. Ignored why he would if he did in the middle of some important articles he was writing for USWGO suddenly start downloading child porn, only for 6 days according to the police and files of interest for abt 11 months after police took his computer according to the NC SBI. (Clear set up as the threat emails said) Ignoring the fact that Mr. Hill spent all of his time working on USWGO articles and videos doesn't make sense that he would suddenly do a little child porn in the middle of all of his work when he was never interested in children before or after.

The law governing electronic evidence in criminal investigations has two primary sources: the Fourth Amendment to the U.S. Constitution, and the statutory privacy laws codified at 18 U.S.C. §§ 2510-22, 18 U.S.C. §§ 2701-12, and 18 U.S.C. §§ 3121-27. Fourth Amendment law of search and seizure. The restrictions that the Fourth Amendment places on the warrantless search and seizure of computers and computer data. The courts apply the "reasonable expectation of privacy" test to computers; turns next to how the exceptions to the warrant requirement apply in cases involving computers; and concludes with a comprehensive discussion of the difficult Fourth Amendment issues raised by warrantless workplace searches of computers (USWGO.COM).

If anyone can hack into a computer in a person's private home, could this person (police or anyone) actually put child porn in this personal computer, then if this person is a police officer, contact a judge in another county and obtain a search warrant? Could this same person hack into

that computer a month before and put it in it? When law enforcement is investigating a crime, the person must assemble enough substantial evidence to fully convince a judge that the violation of a person's privacy and property is necessary and warranted. The standard for showing the need for a warrant is called probable cause. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Reasonable Expectation of Privacy in Computers as Storage Devices to determine whether an individual has a reasonable expectation of privacy in information stored in a computer, it helps to treat the computer like a closed container such as a briefcase or file cabinet.

The Fourth Amendment generally prohibits law enforcement from accessing and viewing information stored in a computer without a warrant if it would be prohibited from opening a closed container and examining its contents in the same situation. For example, do individuals have a reasonable expectation of privacy in the contents of their laptop computers, floppy disks or pagers? If the answer is "yes," then the government ordinarily must obtain a warrant before it accesses the information stored inside. <https://www.justice.gov/file/442111/download>

When confronted with this issue, courts have analogized electronic storage devices to closed containers, and have reasoned that accessing the information stored within an electronic storage device is akin to opening a closed container. Because individuals generally retain a reasonable expectation of privacy in the contents of closed containers, see *United States v. Ross*, 456 U.S. 798, 822-23 (1982), they also generally retain a reasonable expectation of privacy in data held within electronic storage devices. Accordingly, accessing information stored in a computer ordinarily will implicate the owner's reasonable expectation of privacy in the information. See *United States v. Barth*, 26 F. Supp. 2d 929, 936-37 (W.D.Tex. 1998) (finding reasonable expectation of privacy in files stored on the hard drive of a personal computer); *United States v. Reyes*, 922 F. Supp. 818, 832-33 (S.D.N.Y. 1996) (finding reasonable expectation of privacy in data stored in a pager); *United States v. Lynch*, 908 F. Supp. 284, 287 (D.V.I. 1995) (same); *United States v. Chan*, 830 F. Supp. 531, 535 (N.D. Cal. 1993) (same); *United States v. Blas*, 1990 WL 265179, at *21 (E.D. Wis. Dec. 4, 1990) ("[A]n individual has the same expectation of privacy in a pager, computer, or other electronic data storage and retrieval device as in a closed container").

In contrast to the Fifth Circuit's approach, the Tenth Circuit has refused to allow such exhaustive searches of a computer's hard drive in the absence of a warrant or some exception to the warrant requirement. See *United States v. Carey*, 172 F.3d 1268, 1273-75 (10th Cir. 1999) (ruling that agent exceeded the scope of a warrant to search for evidence of drug sales when he "abandoned that search" and instead searched for evidence of child pornography for five hours). In particular, the Tenth Circuit cautioned in a later case that "[b]ecause computers can hold so much information

touching on many different areas of a person's life, there is greater potential for the 'intermingling' of documents and a consequent invasion of privacy when police execute a search for evidence on a computer." United States v. Walser, 275 F.3d 981, 986 (10th Cir. 2001).

Three attorneys had access to this information and did nothing about it. Clearly this information was obtained by all three attorneys as they read the search warrant from the Mayodan, NC police department dated Aug. 22, 2012. The actual search warrant of the house was executed on August 28, 2012 (6 days after illegal hacking in a personal computer). Mr. Hill had been sending emails to the Mayodan police department and various employees in Mayodan, Reidsville and other places in Rockingham County, NC from March – July, 2012 about Agenda 21, the NDAA and the petition. Each email also had the exact IP address that the police claimed they got from somewhere else. See the Sept. 30, 2014 court transcript page #18, 19.

MR. PLACKE: Your Honor, I received in terms of discovery in this case from the Government two CDs, one of which contained the audio recording of the interview of Mr. Hill, the other of which contained law enforcement reports in PDF format. I've printed those out. The reports are a Mayodan Police Department report dated August 22, 2012, and a North Carolina State Bureau of Investigation case file dated October 23, 2013. And perhaps in light of everything else, I should just return those to the Government at this point. **US v. Hill - Hearing - September 30, 2014.**

THE COURT: "Mr. Ramaswamy, I'll note Mr. Placke is returning the material to you". The police report from 8/22/2012 was given to the Hill family on 8/28/2012 along with the search warrant during the police raid at their home in Mayodan, NC. Findings from the NC SBI (NC State Bureau of Investigation) show files of interest only in that very same computer as well as the 2 hard drives and 1 USB stick that Mr. Hill always kept attached to his computer many times at his home and even when visiting his grandparents as well as on overnight vacations. This is the very reason the prosecution should not have had Mr. Hill arrested. This is also the 2nd evidence the defense attorney should have used at trial. This was never once brought up during the trial date of June 10, 2014.

Proof that these 2 police hacked into this computer before obtaining a search warrant, and they claimed child porn was on it. We think it's interesting that no child porn or "files of interest" was found anywhere else, just on the laptop computer & 2 hard drives and USB stick connected with that particular laptop that the police clearly state they hacked into it without Mr. Hill's permission and without a search warrant on August 22, 2012. We (Brian's family) can confirm that most of the time the USB stick and 1 or 2 hard drives were connected to it when we visited his house,

when he visited us and when we went on trips. For proof, go to your own laptop computer. Notice all of the USB slots. Mine has at least 3. Brian used all three in his for 2 external hard drives & 1 USB stick.

Now attach 3 items to your computer. Click on "This PC". I just did this, and this is what you will see under PC: Windows C (How many GB and how many are free; USB drive E; Name of external hard drive F; name of external hard drive G). If someone hacks into your computer, they see that too. If I want to go into the USB stick or either hard drive, I click on that letter and can check files in there or add anything I want in there. Problem is that a hacker has access to all of this information and can do that too. Police took Brian's computer and all hard drives and USB sticks on August 28-29, 2012.

Brian got that first threat email in April 2013. They admitted putting child porn in Brian's computer and the hard drives. We didn't know until we talked to Brian's 2nd attorney in Oct, 2014 that there were "files of interest" in Brian's laptop computer, the USB stick and the 2 external hard drives. Look at all of the inventory items the police department removed from Roberta & Brian's home on August 28, 2012 (net book on Aug. 29, 2012).

Brian and his family have proof that Brian had been sending emails from March-July, 2012 to the town of Mayodan, Reidsville, the Mayodan police chief, his grandparents, etc. Each email he (USWGO) sent had the exact same IP address in them. This number could have been obtained just as easily from his sent emails. That (this IP address they claimed they had obtained) was the information that should have been taken to a Rockingham County, NC judge to obtain a search warrant before hacking into someone's private computer.

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA:2012-00287

Mayodan Police Department

Page 3

North 2nd Avenue.

While in Detective Bridge's office, he showed me the webpages and downloaded files that were retrieved by the ICAC software. The videos downloaded by the Hill's IP address (24.148.156.211) were child pornography, commonly referred to as Pre-Teen Soft Core (PTSC) and Pre-Teen Hard Core (PTHC). I personally viewed a five second segment of each video and confirmed that it was child pornography.

Detective Bridges said that the person or persons using IP address 24.148.156.211 were utilizing Peer to Peer (P2P) file sharing programs to download pornographic videos and pictures of children. These programs require that the person operating the computer search for specific content to download. Therefore, it was determined that whomever downloaded the images and videos using IP address 24.148.156.211 did so deliberately and not accidentally. Using this information, Detective Bridge and I wrote a search warrant for Roberta Ruth Hill, Brian David Hill and the premises and property located at 413 North 2nd Avenue in Mayodan, North Carolina.

Instead 2 police detectives admit to hacking into a private computer on Aug. 22, 2012 without a search warrant and watching 2 videos of child porn. This brings suspicious could they have hacked into it a month before and actually put it in there? There have been many police officers arrested with child porn. Being a police officer does not make one immune. Doc. 133 pages 94-97. Doc. 37 page 47. Speaking at Mayodan town meetings Mar. – July, 2012 Doc. 130 Pages 1-24. Doc. 132 Page 42-44. What are the “WEBPAGES” they are referring to? Is this talking about USWGO news articles, investigation material dealing with the Mayodan, NC lawyer and police chief? Are they after child porn or all of USWGO news articles (web pages) & videos? What does webpages have to do with this? Brian said the police told him he liked Brian's webpage (USWGO) on Aug. 29, 2012.

(3) Police disobeyed Americans with Disability Laws & Medical Civil Rights & got a false confession (words – no proof). Brian's family show the proof that Mr. Hill did give misleading statements and a false confession due to his autism spectrum disorder (communication disability) and his brittle type 1 diabetes during the interrogation at lunch time causing him to become confused. We use the Government's discovery for proof because what he said did not match what they found. (See folder “INVESTIGATION 1”).

If the prosecuting attorney or Mr. Hill's two court appointed attorneys would have taken the time to compare the Mayodan, NC police report in 2012 with the NC SBI report in 2013 with Mr. Hill's false confession, they would have seen that what Mr. Hill said to the Mayodan Police conflicted with what the NC SBI Discovery found as well as what the federal government found. They did not bring “Computer Virus” to the court's attention to explain why this was downloaded for 11 months after the police took the laptop. All of this started when the Mayodan, NC police department questioned someone with autism and brittle diabetes at lunch time while ignoring the Americans with Disabilities Act and the medical Civil Rights of Brian David Hill and got a false confession which could be proven and was proven by the Prosecution's discovery. Mr. Hill said he had been downloading it for a year or so. The police department claimed it had been downloading for 7 days NOT a year. The NC SBI said that it had been downloading for about a year, 11 months of that year was AFTER the police confiscated that computer and the 2 hard drives and the USB stick that was connected to that laptop computer due to Mr. Hill's USWGO work (Videos & articles) and private nature photos work (both hobbies).

(3) What the US Attorney said after this office had access to the discovery with clear proof that this was a false confession and the police hacked into Mr. Hill's computer without a search warrant. If they suspected child porn and had the proof, the first thing by law they were supposed to get a search warrant due to the fourth amendment part of the US Constitution. The Magna Carta, which was signed in 1215, is often cited as one of the first documents in human history to

spell out the concept of "innocent until proven guilty." Before Mr. Hill was even arrested, these parts of his BILL OF RIGHTS - Amendments were violated by this prosecution according to the statement that was made on the arrest warrant. The 5th Amendment: Due Process Law: the suspected criminal must be given a trial and treated fairly. The 6th Amendment "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." The 14th Amendment "Equal protection of the laws." All through Mr. Hill's case, all of his Constitution & Bill of Rights continued to be ignored with his Civil Rights and his Federal Disability laws (Americans with Disabilities) by the police department and all of the jails.

DISCOVERY (nature & cause of the accusation) This includes a 2012 report from the police; a false confession tape, a 2013 report from the North Carolina Bureau of Investigation.

Discovery was not brought up until after trial. Trial date was set for June 10, 2014. On this date, Mr. Hill's court appointed attorney did not bring up the discovery from the prosecution side. Due to the fact that he ignored his client calling Mr. Hill "Delusional" and implying that he knew his client was guilty, not letting the court know that he had deleted all information Mr. Hill's family had sent to him via email about Mr. Hill's many disabilities and the proof that he is innocent.

Attorney Placke ignored all proof, failed to compare the accusations of the Mayodan Police report with the NC state bureau of information report. Would not let Brian read any of the NC SBI findings, would not let Brian's family read the discovery or hear the false confession tape, would not let any medical professionals or autism professionals listen to the tape to see if this person with communication disabilities was just repeating what the police said to get a false confession, did no investigation at all and had no discovery, evidence or proof to present to the court for his client, Mr. Hill on June 10, 2014. See PDF "Investigation 1 & 2" for proof. This is a violation of the Sixth Amendment to the U.S. Constitution which states that a person accused of a crime has the right to a public trial, the right to a lawyer who makes sure that this person has a right to an impartial jury, the right to know who the accusers are and the nature of the charges and evidence against him or her, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

WITNESSES (To be confronted with the witnesses against him)

Constitutional Basis and Purpose

The Confrontation Clause found in the Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses

against him." The Clause was intended to prevent the conviction of a defendant upon written evidence (such as depositions or ex parte affidavits) without that defendant having an opportunity to face his or her accusers and to put their honesty and truthfulness to test before the jury.

The prosecution had 3 witnesses, both police detectives who got the false confession from Mr. Hill on Aug. 29, 2012. Detective Robert Bridge and Detective Todd Brim and Special Agent Rodney V. White. Here are some of the questions Mr. Hill and his family would like answered under oath: Questions for both police detectives: Are you a certified forensic scientist? It says in the police report that Mr. Hill is disabled. Were you aware that Mr. Hill had autism and was a type 1 diabetic before you questioned him on Aug. 29, 2012? Did his mom tell the police that during the police raid on Aug. 28, 2012 that Brian had autism and diabetes? Did you do anything to insure Mr. Hill had an attorney or an advocate with him during the questioning per the Americans with Disability laws? Have you had any training in questioning anyone with autism? Are you aware that this is a communication disability and according to autism experts a person with this disability can produce misleading statements and a false confession?

Did you have him or his mom or a medical person to check his blood glucose before the questioning? Did you make sure that Mr. Hill was ok and could actually answer all of your questions correctly as he is a type 1 diabetic, and you are questioning him at lunch time according to the police report? Did you find some needles in his home during the police raid on August 28, 2012? Did you call Mr. Hill into the house to question him about these needles? If so, did he tell you that he was a diabetic and these are for his insulin? Did you show proof that you had obtained a legitimate search warrant to hack into his computer on August 22, 2012? Was this signed by a judge? Did you present this search warrant as proof? Did you have a legitimate search warrant to check his house and to remove all computers, hard drives, home made CD's, memory sticks, etc. on August 28, 2012? What was the probable cause for this search warrant? Where was the search warrant from the search of his computer on Aug. 22, 2012?

Brian and his family have told me that they did not see a copy of that search warrant. What was the probable cause that you listed to hack into his computer? Where is a copy of that search warrant? Are you aware that an IP address is also in emails that people send to others? Are you aware that Mr. Hill had been sending emails from March-July, 2012 to the towns of Reidsville and Mayodan, NC pertaining to a petition as well as the police chief of Mayodan, NC before this alleged child porn was being downloaded onto his computer? When you asked Mr. Hill how long he had been downloading files, what was his answer? Did you notice that his answer conflicted with your findings of 7 days? Are you aware that according to the report from the NC SBI files of interest on this particular computer was downloaded for 11 months after you and Detective Brim got it during the police raid? Could Mr. Hill be downloading files of interest while

this computer was under the control of the Mayodan Police Dept and the NCSBI in Greensboro, NC? Are you familiar with computer viruses that contain child porn? Could this have been a computer virus? Did you check for computer viruses?

Detective Bridge, do you have a family member who works for the Rockingham County District Attorney's office? Was this person running for office of District Attorney in 2014? Did she say anything to you about USWGO articles before you found child porn on Mr. Hill's computer? I read in the police report that when you hacked into Mr. Hill's computer on August 22, 2012 you saw videos of child porn and was very aware of 2 of them as part of the NCMEC? Is that correct? Can you tell this court why you know for a fact that the child porn was part of the NCMEC, yet the government in their report state that none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children (NCMEC)?

In the police report you state that the child porn was downloaded July 20 - July 26, 2012? Why did you not get any notifications until a month later? Your report also says that there was a continual pattern of child pornography and offering to participate in the distribution of child pornography. Can you explain to the court what all of this means? Why just 7 days? If someone is really into child porn, wouldn't they do it for more than one week? Is it possible someone else was hacking into Mr. Hill's computer July 20-July 26, 2012 in order to have him convicted & stop writing any more USWGO investigative news articles? Is it possible that someone was downloading a virus on his computer via his email IP address?

Detective Brim, is Charles Caruso your boss? Was he the police chief of the Mayodan, NC police department? We noticed in the police report, you have your name as the Investigator as well as the Supervisor in this case, why is that? Does the Mayodan Police Department have its own attorney or is the town attorney Philip Edward Berger also the attorney as well for the Police Department? Were you aware that Brian Hill had written articles online about Philip Edward Berger in a negative light prior to this entire investigation beginning? Why were you at the Rockingham County District Attorney's office working on the Search Warrant when the DA was Phil Berger Jr., the son of Mayodan town lawyer Philip Berger Sr.? Could that maybe cause a bit of a concern or problem with this issue of a conflict of interest?

Detective Brim, you said in your police report on Brian that "While in Detective Bridge's office, he showed me the webpages and downloaded files that were retrieved by the ICAC software." What do you mean by that? Detective Bridge claimed that videos were being downloaded from emule a file sharing software, but what does that have to do with "webpages"? Were those webpages printouts of USWGO Alternative News articles typed up by Mr Hill? What were you referring to by "webpages" in your police report? The search warrant never mentioned about his IP Address downloading "webpages", what webpages were being shown to you by Detective Bridge? Were they webpages of anything to do with Brian? Are these webpages even relevant, and what are these webpages you mentioned? Did you tell Mr. Hill during questioning that you liked his

USWGO website? Were you aware that he was writing articles in his USWGO website about the Mayodan attorney, Philip Berger and Mayodan police Chief Carruso? Were you also aware that your town attorney's son, Philip Berger Jr was the Rockingham County, NC District Attorney?

Mr White, I have some questions for you for direct examination regarding your State Bureau of Investigation case file being dubbed as a forensic report. Mr. White, are you a certified computer forensic scientist and how much training and experience as well as qualifications do you have for your "forensic analysis" of Mr. Hill's computer and other paraphernalia? What forensic practices did you use when examining the computer and other devices? Was the computer and other paraphernalia analyzed by a forensic tower computer using forensic software and compliance standards to strict forensic principals to examine the hard drives and other paraphernalia to look for the alleged child pornography? Did you confirm each and every file of interest was of child pornography? Did you confirm or verify as to who the victims were; the ages of the victims? Were there any victims at all? Did you confirm whether each and every person in the image or video of interest was indeed of a minor who had not attained the age of 18? Was the photo of simple nudity or was the photo obscene? Was the photo appearing to be lewd, and was that lewd behavior from an actual minor or an adult appearing to be young?

Where was the forensic analysis conducted? Was the analysis conducted in a qualified facility with high security to protect such subject of seized property to be examined and to protect the very forensic examinations from any third party or break in? Was any forensic disciplines followed, Mr White? Can you tell me, Mr. White, what those forensic disciplines and principals are for examining a seized computer for child pornography? Why do you not have any photo proof in your report? Noticing the dates of download, are you aware that you have recorded that these files of interest were being downloaded 11 months after the police took this computer? Did you find any viruses? How could Mr. Hill be downloading child porn when it was not in his possession for those 11 months? Did you tell Detective Brim that there was a good case to bring to the grand jury to get an indictment for Mr. Hill?

Mr. Hill through an ineffective attorney was denied his Sixth Amendment right which is supposed to be guaranteed by the Federal Rules of Criminal Procedure Rule 43. The Clause was intended to prevent the conviction of a defendant upon written evidence without that defendant having an opportunity to face his or her accusers and to put their honesty and truthfulness to test before the jury. Since Mr. Hill was denied his constitutional rights, we ask this court to read his family's PDFs "Investigation 1 & 2" to prove ACTUAL INNOCENCE as well as the PDF "Actual Innocence". UNITED STATES. Supreme Court. 156 U.S. 237. 15 S.Ct. 337. 39 L.Ed. 409. MATTOX v. UNITED STATES. No. 667. February 4, 1895. Plaintiff in error was convicted.

Lee v. Illinois, 476 U.S. 530 (1986). The trial court's reliance upon the codefendant's confession as substantive evidence against petitioner violated her rights under the Confrontation Clause of the Sixth Amendment. 476 U. S. 539-547. Such a confession "is hearsay, subject to all the dangers of inaccuracy which characterize hearsay generally. It is so ordered.

In *Brookhart v. Janis* 384 U.S. 1 (1966), Sixth Amendment right had been violated. Nothing in Henry, however, can possibly support a contention that counsel for defendant can override his client's desire expressed in [384 U.S. 1, 8] open court to plead not guilty and enter in the name of his client another plea - whatever the label - which would shut off the defendant's constitutional right to confront and cross-examine the witnesses against him which he would have an opportunity to do under a plea of not guilty.

In Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009), the Supreme Court held that in order to fulfill the procedural due process inherent in the Confrontation Clause, a criminal defendant must have the opportunity to cross-examine testimony that has been made against him.

Please see the 38 pages PDF "INVESTIGATION 2" for the rest of our proof of ways that Mr. Hill's 6th Amendment Rights under the US Constitution was denied to him. This PDF has the proof that both the defense and the prosecution attorneys were ignoring Brian's witnesses and admitted this to the court on September 30, 2014 (over 3 months after his trial date of June 10, 2014).

WITNESSES (to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense).

Another violation of Mr. Hill's 6th Amendment Rights under the US Constitution was denied to him. In this section, Brian's family will show proof that both the attorney for the government and the attorney appointed by the government for Brian made sure that his 6th Amendment Constitution was denied by the Middle District of NC court by ignoring all of Mr. Hill's witnesses including his family and the many witnesses (friends & non friends) who contacted both of them who were willing to testify.

There were no witnesses available for Brian in the court on June 10, 2014, and the night before, Mr. Hill's attorney called Brian's family to advise them to tell Brian to plead guilty because there would be the start of a trial the next day, and Brian would lose because his attorney had no evidence or witnesses to present to the court for Brian's defense. In September, 2014 a witness came forth who was an attorney whom Brian had sent all of his information to her before his arrest. See Document 46 Pages 1-3 and PDF "Actual Innocence".

According to the new autism law (Virginia Code § 19.2-271.6) in Virginia (Autism is in other states & countries), but Virginia has proven that people with autism do not have the "criminal intent" or "mens rea". In all alleged crimes in Virginia, Autism must now be taken into consideration

especially those with developmental problems at a young age. When stressed, communications skills may diminish or disappear (even though many are smart). For adults with autism, answers may seem evasive or unconnected to the question that was asked during stressful times.

Mr. Hill has the proof that he was diagnosed with a developmental disability (PDD) since the age of 2 and Autism at the age of 4 and has presented that medical proof to this court more than once. Criminal intent or mens rea must be proven to exist in a crime. Finding child porn on a computer does not prove intent especially when it has been proven in courts that people have on purpose hacked into a computer and put child porn, viruses and other things in a distant computer while the owner is not aware this is happening. If the prosecuting attorney or Mr. Hill's two court appointed attorneys would have taken the time to compare the Mayodan, NC police report in 2012 with the NC SBI report in 2013 with Mr. Hill's false confession, they would have seen that what Mr. Hill said to the Mayodan Police conflicted with what the NC SBI Discovery found as well as what the federal government found.

All of this started when the Mayodan, NC police department questioned someone with autism spectrum disorder (ASD) and brittle type 1 diabetes at lunch time while ignoring the Americans with Disabilities Act and the medical Civil Rights of Brian David Hill and got a false confession (words – no proof) which could be proven and was proven by the Prosecution's discovery. Brian Hill said he had been downloading it for a year or so. The police department claimed it had been downloading for 7 days NOT a year. The NC SBI said that it had been downloading for about a year, 11 months of that year was AFTER the police confiscated that computer and the 2 hard drives and the USB stick that was connected to that laptop computer due to Mr. Hill's USWGO work (Videos & articles) and private scenic, nature photos work (both hobbies).

The computer hacker hacked into anything which was associated with that laptop computer and admitted it. Please read the 22 page PDF titled "THREATS". The computer, hard drives, CD's and other things were removed from Brian's house on August 28, 2012. The NC SBI said items of interest were downloaded from July 20, 2012 until July 28, 2013. The police asked Mr. Hill if there were any other computers that had child porn. Mr. Hill told the police that his net book had it, and they did not get his net book computer the day before. The police went back to his house on the day they questioned him on August 29, 2012 and got his netbook computer. There were NO files of interest on his netbook computer. When you read the Mayodan, NC police report from August 22, 2012, you will see that Brian Hill is disabled, but no where do you see that the police obeyed any Americans with Disability Act laws.

Please read the 38 pages PDF called "INVESTIGATION 1". We ask that this court will use Brian's family's records of proof with Brian Hill as his own attorney. Brian's family can't afford hundreds

of thousands of dollars to hire an attorney, and the court attorneys have harmed Brian's case instead of helping by ignoring Brian, his witnesses and his proof and ignoring the Americans with Disabilities Laws and Brian's Civil & Constitution rights and advising Brian's family to tell Brian to tell the court that he is guilty when he continued insisting that he was innocent. His attorney called Brian's family the night before trial (after 5 PM on June 9, 2014) telling them that since Attorney Placke had not prepared a case for him, Brian would get 20 years in prison because the prosecution had evidence, the court appointed attorney had none. This was after Brian, Brian's family & other witnesses had been sending proof to this attorney for over 5 months. See all PDF's for proof.

Mr. Hill's family was also aware that Mr. Hill had been given only one insulin shot during court days, and that was in the evening after court and on some days he was given no insulin at all and on other days only 2 shots instead of the 3 or more he got at home for the past 22 years at that time and none of the one shot of the slow acting insulin covering 24 hours that he was prescribed and got at home for 22 years. Jails were giving him enough insulin to keep him alive but not enough to keep him comfortable and healthy. He was losing weight and would face a slow torturous death if he remained in jail like that. He was also constantly moved to different jails which did affect his autism & OCD in a bad way. When you read the symptoms of a type 1 diabetic with high glucose, this proves "Cruel, unusual and excessive punishment" which is a clear violation of Mr. Hill's Eighth Amendment Rights.

The Supreme Court has also interpreted the Eighth Amendment to forbid imprisonment in inhumane or unsanitary conditions. Lolli v. County of Orange, 351 F.3d 410 (9th Cir. 2003). A pretrial detainee filed a [section] 1983 action alleging the use of excessive force, and deliberate indifference to his serious medical needs. The district court entered judgment in favor of the defendants. Johnson v. Harris, 479 F. Supp. 333 (S.D.N.Y. 1979). Johnson v. Harris, 479 F. Supp. 333 (S.D.N.Y. 1979).

Never once was he given any autism advocates at court, police station or in jails or the insulin Nov 7th in court after 11 months) or glucose tabs he might need in court. He was not allowed a professional medical witness in court to explain about his disabilities. His mental and physical health was totally neglected from Dec. 20, 2013 until Nov. 13, 2014. If one is in jail for a year, this person also loses his social security disability money plus Brian had Medicaid insurance at home where he would get all of his insulin as well as being on a Virginia medical Medicaid waiver since 2012 which paid 40 hours a week of assistance for a medical assistant for him due to his many serious disabilities. Please read the 27 page PDF called "Brian's Treatment in Jail".

We could use our energy to find a good Civil Rights attorney who could get Mr. Hill a lot of money, but with Mr. Hill's diabetes as critical as it is and his constant worrying about proving he is innocent to the court, we just want to prove to this court that he is innocent of all charges and put an end to Mr. Hill having to file anymore documents to prove he's innocent. Mr. Hill needs to be set free to enjoy his life before the serious complications of his brittle diabetes sets in. His mom is his medical caregiver, and when Brian is tied down by rules which no innocent person should have to do, it affects both of them to get permission to even visit his elderly granddad who lives in another state, permission to go on a trip or to go places with his grandparents, permission to go shopping out of his territory or to visit a museum or other family member.

They just both want the freedom denied to them since 2014 which all innocent Americans are supposed to enjoy without having their home address listed in public as a sex registry address. Freedom to prove to this court that Brian David Hill is an INNOCENT law abiding citizen and has never been accused of hurting any child or adult, never been accused of any sex act or rape by another human being before and after 2013, only accused of owning a laptop computer that the Mayodan police claimed they hacked into Mr. Hill's computer without a search warrant while that computer was in Mr. Hill's house on Aug. 22, 2012. The 2 police officers claimed they watched child porn, and the Rockingham County's asst district attorney's brother said he was familiar with 2 child porn while the government claims on court records that they were of unknown origin. The police then violated Mr. Hill's civil rights and the Americans with Disability laws & constitutional laws and got a search warrant, removed dollars worth of his and his mom's computers, lifetime photos & memories, etc. and got the false confession they wanted the next day.

The discovery material from the Mayodan, NC and from the NC SBI contain no images (Blurry, distorted or otherwise no photos at all) that show that child porn was actually on Mr. Hill's computer, only says "items or files of interest" whatever that means. Plus when we read the Mayodan police questions to Mr. Hill, they started out asking about files (music, movies and programs). Anyone who took time to read this could tell that Brian was talking about music, movies and program files he had been downloading. You can see on paper the police added "child porn" to those files but knowing about autism and insulin dependent diabetes at lunch time, did Brian hear them say that or was he still talking about the files they started talking about from the beginning? With both autism (communication disability) & low blood glucose (causing confusion) at lunch time, Mr. Hill repeated what the police said and what he read the day before from the Aug. 22 police report. We ask that all of our PDFs are read, and that Mr. Brian Hill will finally be acquitted from a criminal act accusation he did not commit, removed from probation and the sex registry. No INNOCENT person whose medical civil rights have been violated for years by law enforcement should be considered a criminal, put on probation for 14 years and on a public sex registry. Brian David Hill is innocent. This fact has been on the court records for years

and just like his civil rights and constitutional rights have been ignored for years due to law enforcement, attorneys and jails ignoring disability laws and Civil Rights of the disabled.

The NC SBI claim they found items of interest on Mr. Hill's laptop computer downloaded from 2012 - 2013, 2 hard drives and a USB stick (all connected with that one computer) that the government claims files of unknown origin was on these. There have been other court cases that others who have possessed the same were found innocent because they possessed hacker material and were not aware. This is Mr. Hill's story as well. He has written that fact to this court more than once in 2014 before he even read the discovery and in the beginning told the police that he was innocent, and there was some type of a Trojan horse virus on his computer. He owned a computer that some hacker hacked into it without his knowledge and put some type of Trojan horse or virus that continued downloading anytime anyone turned it on. The downloads happened every time the NC SBI turned on this computer in 2013. We don't think the NC SBI were aware of that, and we know Brian wasn't. Brian was aware & fighting a virus but was not aware at the time that it was a child porn type virus until after the police confiscated it and said there was child porn in it.

Please read the 16 page PDF named "Danville, VA – Brian – Discovery". Brian knew the evidence of his innocence was in these files. The prosecution knew that too. The guilty party did not want these opened for others to see. The innocent person wanted this proof, but he does have the most important part already, proof that there was a virus causing it to continue downloading for months after this computer was in the control of the police and NC SBI. He has the proof that the police and the NC SBI were in conflict and both prove that Mr. Hill gave a false confession due to his autism & type 1 diabetes (causing low blood glucose, confusion and him to repeat what the police said).

Back to the day this all started for Brian at the Mayodan, NC police station on Aug. 29, 2012. His mom was there and told the police about his autism and the day before during the police raid when they would call him in the house alone while forcing his mom and both grandparents to stay on the front porch for hours during this Mayodan police raid (Aug. 28, 2012) which included 1 Reidsville policeman who was a brother of the Rockingham County, NC Asst District Attorney at the time. Brian's mom told the police that Brian had Autism and Diabetes. The police sent a photo of his insulin pen needle as part of the discovery. One of the times they sent Brian into the house was to ask him about that, and Brian told them he is diabetic and this is his insulin pen, then Brian told his family when he joined them on the front porch.

Two police questioned Brian alone at lunchtime without asking him if he was ok or needed a sugar drink or without asking his mom or a professional in autism to attend or without asking him or his mom to do a glucose check or make sure that his blood glucose was ok or if he needed a

snack. You can read that yourself in the police report. According to the American Diabetes Association, they violated his Civil & Constitution Rights. There are many reports and PDF's from the American Diabetics Association to prove that. The Mayodan police department is guilty of both Civil Rights violations and breaking the Americans with Disability Act laws causing false confessions and 10 years of misery for Brian, his family and the court system. See what Dennis Debault says about that at <https://www.polfed.org/WestMids/media/1938/interview-and-interrogation-of-people-with-autism.pdf> and <https://autismriskmanagement.com>. He was a former private investigator who has a son with autism spectrum disorder (ASD) and started training police & the judicial system in how to question someone with autism and makes it clear that if questioned the wrong way, someone with autism will give misleading answers and false confessions due to this communication disability. Here is a 3 minute YouTube video from HBO where Dennis Debault explains more: <https://www.youtube.com/watch?v=35DAtZ9GHJ0&t=1s>.

Before Brian even had a trial, he was set up as a sex offender based on "HIS WORDS" TO THE POLICE during lunchtime 8/29/2012 This is on the Arrest Warrant Indictment for Brian David Hill dated Nov. 26, 2013. See this for proof: ***The U.S. Attorney requests a detention hearing.

In the event the defendant is release, the U.S. Attorney recommends that the Adam Walsh Sex Offender Specific Conditions be a part of the release conditions**** Case 1:13-cr-00435-TDS Document 2 Filed 11/26/13 Page 1 of 2

The court found out that Brian Hill lived in a 4 apartment house in Martinsville, VA, and that he lived in one apartment, his mom lived in a 2nd apartment and his grandparents lived in a 3rd apartment in the same house. They were thinking about letting him come home but with many restrictions based on the Adam Walsh Sex Registry which meant that the part of our constitution "Innocent until proven guilty" did not apply to our grandson. They basically extended this to Brian, his mom and his grandparents. If Brian was allowed to come home, it would be under the unreasonable conditions that Brian's apartment, his mom's apartment and his grandparent's apartment would be searched. Brian could not have a phone and neither could his mom or his grandparents. Brian could not have a computer at that time. Without a phone, none of us would have had access to call 9-1-1 in case of emergencies, Brian could not contact his attorney, his probation officer, none of us could contact family, friends or medical people. Family, friends, Brian's attorney, probation officer and medical people including the Veterans hospital for Brian's grandpa could not contact us. Many constitutional, Bill of rights, Civil Rights and Medical rights' violations by this court & government attorneys to keep Brian locked up in these jails (very cruel & unusual punishment for months). It's a miracle he did not die in those 11 months.

2 police hacked into his computer without a search warrant on Aug. 22, 2012. They then got a search warrant to go into his and his mom's house on Aug. 28, 2012 and remove all computers, all

hard drives, all home made CD's etc. which meant everything Brian owned: all of his and his mom's family, vacation and scenic pictures and videos; all of Brian's USWGO interview videos and webpage articles – everything to get to some child porn that the police claimed had been downloaded on his computer from July 20, 2012 until July 26, 2012. Then after both police detectives disobeyed the laws that they must obtain a search warrant to actually hack into someone's private computer, they then on Aug. 29, 2012 at lunch time disobeyed the "Americans with Disabilities" laws and got some misleading statements which they took as a confession from our grandson who has autism spectrum disorder (ASD) and is a brittle type 1 diabetic who gets confused when his blood glucose goes low. The grand jury not knowing the entire picture looked at the "WORDS", the misleading statements from this disabled person, and thus there was the arrest warrant.

Brian was free from August 29, 2012 until Dec. 20, 2013. He has never hurt any child, never raped any child, woman or man and based on "WORDS" of a disabled person not given an advocate or not having anyone to check his glucose at lunch time during a very stressful police interrogation a day after a police raid, he and his entire family are treated like sex offenders. Now this court is saying that he is a danger to others not based on any actions but entirely based on "words". They also believed the "words" of both police. We have caught one of these 2 police in many "lies". Brian was indicted by this grand jury with his "words" that he had been downloading files for a year or so and liked little girls. Never once has he been accused in any court of law as being associated with little girls or physically hurting little girls (actions). His "WORDS" of downloading files for a year or so did not even match other parts of what the police said when they put in the police report that it (child porn) was being downloaded from July 20, 2012 – July 26, 2012 to "distribute".

The police raid was on August 28, 2012 when the police got all computers, hard drives, etc. This police interrogation was on August 29, 2012. This would be one month and one week according to the police, not a year or so. The Grand Jury indicted this disabled person on these false grounds based on "Words", no proof that Brian actually did anything to hurt a child, no proof that if there was child porn that Brian was the one who put it there. It was not brought to the attention of this grand jury or to this court that Brian gave another false confession when he said he had a net book with files in it because the NC SBI report did not find any files of interest in his net book computer. The government's prosecuting attorneys are responsible for those parts of the deceit. No wonder they fought so hard in the Danville, VA federal court in 2017 to make sure Brian didn't get copies of their discovery material. Two of the government's defense attorneys did not bring these facts to the court's attention either. This attorney (Placke) did not ask to meet personally with Brian's family in his office to discuss more from January – May, 2014 to have a case for Brian

in June, 2014, to get Brian's family's point of view and more proof. He didn't ask us for anything in emails or on the phone the entire 9 months.

As soon as Brian had an attorney present, his family emailed his attorney proof that Brian is innocent as well as all medical documents from doctors and hospitals. We also faxed the medical information to him. We let him know that Brian could come home, but we all need a phone and do not want our apartments searched (constitutional reasons). We told him that Brian is innocent, does not even like to be around children. Brian had been home in Martinsville, VA from August 29, 2012 until December, 2013 without any legal problems and had been going for counseling in Virginia, had a Virginia medical waiver and had been on many trips to many states with his family. We found out that this attorney Placke never once in January, 2014 presented any of Brian's severe disabilities to the court. As an attorney, he could have gotten all of this medical information from Cone Hospital, Dr. South, Dr. Hickling (all located in Greensboro, NC where his office was). He could have contacted Brian's doctor's office in Rockingham County, NC, the hospital, his doctor's office and the Piedmont Community Services (mental health) in Martinsville, VA. If Attorney Placke did not believe us or our documents, he should have contacted all of the doctors and medical facilities himself. If he did not know what autism spectrum disorder (ASD) is, he could have contacted any of the autism professionals in Greensboro, NC to get answers and especially should have contacted a medical expert to explain to the courts. Later after Brian was released, we got to see this court document. Mr. Placke never once discussed with Brian's mom or grandparents getting Brian released from jail on constitutional and medical grounds where at home Brian had access to his SSI disability monthly check, his Medicaid medical waiver, his Medicaid providing "ALL" of the insulin prescribed by his medical doctors, mental help from the Piedmont Community Services, all of his proof of innocence and most important he had a home, food, insulin and his family close by for support. "The Bail Reform Act of 1984 (Third Edition)"

How many times do we have to tell this court "BRIAN DAVID HILL IS INNOCENT"? How many more documents do we need to send to this court as proof when in the past, they base everything on the "words" of this disabled person and the police, no facts or proof. He is not into children in any way or child porn. He is guilty of having autism (communication disability effecting his words), brittle type 1 diabetes (Hyperglycemia & Hypoglycemia), diabetic seizures, OCD and an anxiety disorder. He is guilty of writing articles on the internet causing the local police to go after him with false accusations then is guilty of having lazy, ineffective attorneys appointed by this court to tell his family to tell him to just say "guilty" (didn't make any difference to them if he was or wasn't). They just wanted the "words". If he didn't present these words, he would continue to suffer "cruel and unusual punishment" in jails.

Case 1:13-cr-00435-WO Document 9 Filed 01/03/14 Page 1 of 3

From the very beginning this has all been one sided: Yet we have seen people with money actually being proven guilty of leterally hurting a child being released and allowed to have phones. Document 9 below

- (1) the nature and circumstances of the offense charged . . .;
- (2) the weight of the evidence against the [defendant];
- (3) the history and characteristics of the [defendant] . . .; and
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the [defendant's] release.

Weight of evidence came from a small town police report and an NC SBI report and a false confession which all had conflicted information. That guilt of 1 year or so did not match the actual evidence of the police report of 1 week and the NC SBI report of 11 months after police took the computer. **History of the defendant:** No criminal history before. See the PDF "Who is Brian Hill". Character assination perhaps? No where has there been any reports including any police reports of Brian actually being involved with any child. This is because Brian did not even like being around any child at any time. Brian's family is around Brian all of the time. Brian does not own or drive a car due to being a brittle type 1 diabetic. He sometimes has unexpected insulin reactions and diabetic seizures. He needs his insulin to survive so there is no way he would escape anywhere without his insulin. He needs this insulin to stay healthy and alive.

It's interesting that when he finally said the magic words the court wanted to hear "Guilty", he was released and allowed to come home and actually have a home phone and a cell phone. No one wanted to search his mom's private apartment or his grandparents' private apartment like they did when Brian continued telling the court the truth, that he is "innocent". Document 9 below.

In the present case, with respect to the nature of the offense charged against Defendant, the offense charged is serious, and involves alleged possession of child pornography involving a prepubescent minor or minor who had not attained the age of 12. In addition, the Pretrial Services Report raises concerns regarding Defendant's mental health history. Based on the

Case 1:13-cr-00435-WO Document 9 Filed 01/03/14 Page 2 of 3

The Forsyth Jail in Winston Salem, NC is guilty of both **ignoring the Americans with Disabiity Act, Brian's medical Civil Rights and constitional rights**. The Guilford County Jail in Greensboro, NC is guilty. Especially the Orange County Jail in Hillsborough, NC is and so is the prosecuting attorney office in Greensboro, NC, the Probation Office in Greensboro, NC and both court

appointed attorneys in the middle District of NC from Dec. 2013 – Nov. 2014. You can find this proof in the court transcripts from 2014, 2015 and 2018. Please read the PDF about Brian's Treatment in Jail.

See *Farmer*, 511 U.S. at 847. The Eighth Amendment also protects against future harm to an inmate. See *Helling v. McKinney*, 509 U.S. 25, 33 (1993). Under these standards, delay in providing medical care may constitute a violation of the Eighth Amendment. See, e.g., *Thomas v. Town of Davie*, 847 F.2d 771, 772-73 (11th Cir. 1988). Delays that courts have found to violate the Eighth Amendment have frequently involved life-threatening situations and instances in which it is apparent that delay would exacerbate the prisoner's medical problems. See *Hill v. Dekalb Regional Youth Detention Center*, 40 F.3d 1176, 1187 n. 21 (11th Cir. 1994) (collecting cases). Officials may also be held liable when the delay results in a lifelong handicap or a permanent loss. See *id.* at 1188. See *Grant v. Bernalillo County Detention Ctr.*, No. 98-2193, 1999 WL 157415 at *2 (10th Cir. March 23, 1999) (unpublished disposition). In *Naphier v. County of Genesee*, care was delayed because of administrative inefficiency. *Naphier*, No. 11-13754; 2012 U.S. Dist. LEXIS 180845 at *27-28.

A booking officer spoke with a detainee for only two minutes, but observed the plaintiff shaking, sweating, and vomiting. These were symptoms of diabetes. The employee recorded answers about medication and conditions, but did not call for medical care. The employee printed out a medical form, and put it on a shelf, where it would be found several hours later. The court found that a jury could reasonably conclude that the defendant perceived and disregarded a substantial risk to Naphier's health, and therefore was deliberately indifferent to the plaintiff's serious medical needs. Make sure to read what happened to Mr. Hill in the Orange County Jail on May 25-26, 2014 in the PDF "DIABETES IN JAIL" Page 7-10. Notice on the medical records June 04, 2014 Page 6 Doc 131 of the above document at the Orange County Jail that Mr. Hill was not given insulin until that evening when his blood glucose was extremely high due to his being in court with no insulin.

6-3-14	1830	269	180 NPH 14u R	MK
6-4-14	0730	in court		MK
6-4-14	12p	in court		MK
6-4-14	3p	429	30u NPH 14u R	MK

Notice on Nov. 7, 2014 (5 months later) Mr. Hill was taken to Cone Hospital in Greensboro, NC due to no insulin shot at the jail that morning and blood glucose was extremely high. This time though there was someone in the court who tested his glucose and gave him insulin. This was

after Coalter was his attorney. Not true for the other court days when Placke was his attorney. No one was at court to help with Mr. Hill's autism. This court did not even recognize professionals in autism. Brian was then taken to the Greensboro, NC jail.



CONE HEALTH SERVICE AREA
1200 N Elm Street

HILL, BRIAN D
MRN: 014730125
DOB: [REDACTED] Sex: M
Adm: 11/7/2014, D/C: 11/7/2014

Patient Information

Patient Name	Sex	DOB	SSN
Hill, Brian D	Male	5/26/1990	xxx-xx-0319

ED Provider Notes by Scott T Goldston, MD at 11/7/2014 3:14 PM

Author: Scott T Goldston, MD	Service: Emergency Medicine	Author Type: Physician
Filed: 11/7/2014 5:39 PM	Note Time: 11/7/2014 3:14 PM	Note Type: ED Provider Notes
Status: Signed	Editor: Scott T Goldston, MD (Physician)	
CSN: 630173081 Arrival date & time 11/7/14 1440		

- Hyperglycemia

(Consider location/radiation/quality/duration/timing/severity/associated sx/s/prior Treatment)

HPI Comments: 24 yo male with hx of type 1 diabetes and autism presents with hyperglycemia. He came into Marshall's company and was noted to have a blood sugar of 534. He apparently had increased respirations and was given 30 units of his novolin. His glucose came down to 510 a few hours later on a recheck. He missed his insulin last night. Due to his continued elevated glucose and increased respirations he was sent to ED for evaluation. History is mildly limited due to his autism, but he denies any infectious symptoms, vomiting, diarrhea or abd pain. States he thinks he has a history of DKA.

The history is provided by the patient and the police.

Case 1:13-cr-00435-TDS Document 131 Filed 11/14/17 Page 19 of 101 Notice that on court days, Mr. Hill was given 2 meals and no insulin shot so his blood glucose was dangerously high during court which causes confusion, headaches, thirst, constant urination, blurry vision, and he also had autism which his is more visual than verbal and OCD and was not given any aids. He was treated as though he was healthy and well aware of everything and knew exactly what he was doing. Ask a medical expert what happens to someone with autism and type one diabetic who is denied insulin for 2 meals under extremely stressful situations without any medical aids at all. Ask a diabetic nurse specialist; ask an expert in autism, and an expert in OCD. Ask what happens to a diabetic who is not given his prescribed insulin (covers 24 hours) for months. The court attorneys & judges are not expert medical people, yet the court attorneys & judges say he knew what he was doing when he said he was guilty and that he is delusional.

Continuing from Page 3: Viruses Can Infect Computers with Child Porn, Leading to Legal Charges. [An infected computer may be the least of your problems, the Associated Press reports..](https://www.federaldefensenc.com/criminal-defense-of-child-sex-crimes-it-wasnt-me-it-was-a-computer-virus/)
<https://www.federaldefensenc.com/criminal-defense-of-child-sex-crimes-it-wasnt-me-it-was-a-computer-virus/>

CRIMINAL DEFENSE OF CHILD SEX CRIMES – IT WASN'T ME, IT WAS A COMPUTER VIRUS On behalf of Randall & Stump, PLLC in Child Sex Crimes, Criminal Defense, Internet Crimes on Monday, July 31, 2017.

The motives for one to infect another's computer may vary. It could be that the person who creates the virus is in fact a pedophile and their goal is to download child porn on to your computer. The motive may also be that someone wishes to frame you to make it look like you frequently surf such illegal websites. Recent cases demonstrate the various possibilities of how one's computer may be infected by such a virus. CBS News warned people about this virus in 2009:

<https://www.cbsnews.com/news/viruses-frame-pc-owners-for-child-porn/> Of all the sinister things that Internet viruses do, this might be the worst: They can make you an unsuspecting collector of child pornography. Heinous pictures and videos can be deposited on computers by viruses - the malicious programs better known for swiping your credit card numbers. In this twist, it's your reputation that's stolen.

We can type in a search engine to find article pages about this child porn virus and have sent you some which is in this court from November, 2017 after we as a family together saw the discovery proving files of interest on Brian's computer continued being downloaded from July 2012 until July 2013, and the police discovery from August 22, 2012 proves they got this computer from their police raid on Brian's house on August 28, 2012. Check the NC SBI report from 2013 and the Mayodan. NC police report from 2012 for proof. Remember that 3 federal attorneys had this proof the entire time and still ignored the rest of Brian's proof of innocence, his witnesses, his disabilities and constitutional laws.

Please read the Affidavits of Brian Hill, Stella Burnette Forinash, Kenneth R. Forinash, TSgt, USAF, Ret and Roberta Ruth Hill in Document 134. Links below:

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 17-22 of 99 (Brian)

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 42-44 of 99 (Stella)

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 47-71 of 99 (Stella)

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 74-75 of 99 (Ken)

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 77-87 of 99 (Roberta)

I am Brian David Hill, a natural born citizen of the United States. I am a citizen of Virginia at the time that my Affidavit was signed and sworn in as credible testimony. I have high functioning Autism Spectrum Disorder. I also have Obsessive Compulsive Disorder (OCD) and Generalized Anxiety Disorder. Because of my neurological disabilities, it limits my ability to live a normal life and makes it nearly impossible to hold down a career of employment. I cannot work so I live off of Social Security Disability payments.

I believe that I am Innocent of the charge/indictment of 18:2252A(a)(5)(B) and (b)(2) Possession of child pornography. It's because I am Innocent of the charge/indictment of 18:2252A(a)(5)(B) and (b)(2).

The reason I am Innocent is because I have noticed signs and evidence in 2012 that my computer had been hacked into by a computer hacker which I also believed may have used a PC Virus or Trojan Horse. I also believe that there may have been evidence tampering, planting, and/or contamination. I also believe and have evidence that I was framed with child pornography. I know I was framed since the Mayodan Police Raid on August 28, 2012.

8 months later (April 2013) Brian got a threat email from someone who said they put child porn in his computer and hard drives. See the PDF "THREATS". Brian & his family found out it was in his computer & hard drives 21 months after that (in January 22, 2015).

I gave a false criminal confession at the Mayodan Police Department, in North Carolina, on August 29, 2012. I told the Police Detectives that I had put child porn on my Netbook, which is the "ASUS Netbook Computer Model Eee PC 100PPEB". Later on, around January 22, 2015, I got to finally review over the pages of my entire discovery packet of evidence for my criminal case. I noticed that there were no "files of interest" for both video and photo. So there was no child porn in my Netbook that I voluntarily handed over to the Police Detectives on August 29, 2012. I

told the Police that I had downloaded child porn for about "a year or so." The only download dates I had found in my criminal discovery were on eMule.exe's server.met where it downloaded between the dates July 20, 2012, and July 28, 2013. In July 2012, my Black Toshiba Laptop Computer was infected by some kind of malicious software program aka a computer virus. I was confused as to why child porn was downloading between those dates, because that very same Laptop was seized on August 28, 2012. I have a copy of both the Mayodan Police Report on myself, and the Police Inventory. It is impossible for child porn to download on a seized Laptop unless the police have lied in the report, or unless my Laptop was tampered with then evidence was planted on it. Even those explanations do not explain why my Laptop was infected in July 2012. I suspect that it was Win32/MoliVampire.A or Win32/MoliVampire.B, that was reported by ESET VirusRadar, which I had discovered between 2012 to 2013, before I was arrested on December 20, 2013, by Special Agent Brian Dexter of the U.S. Department of Homeland Security.

Looking up another federal attorney in child porn cases:

<https://www.johnzarych.com/can-convicted-computer-virus-downloads-child-pornography/> CAN I BE CONVICTED IF A COMPUTER VIRUS DOWNLOADS CHILD PORNOGRAPHY? There is always a possibility that you could be the victim of a virus, a computer hack, or a prank that could

end with you facing years of prison, high fines, and registration as a sex offender. If something like this happens to you, it is important to understand your rights and to seek counsel from an experienced criminal defense attorney.

Malware can be defined as any file or program that is introduced to a computer with the intentions of harming the user. The harm to the user can be through interfering with the use of the computer, unauthorized access to his data, locking the user out of his computer and also spying on the user's activity. There are several types of malware and they include ransom ware. Most of the time Trojan horse viruses are introduced into a system by duping a user into executing an attachment on an email guised to be unsuspecting.

<https://crucialessay.com/malware-trojan-horse-virus-case-study/>

<https://www.cnn.com/2003/LAW/08/12/ctv.trojan/index.html>

In the latest bout of computer mischief, hackers have developed the ability to make their victims look like criminals. New "Trojan horse" viruses -- downloaded via seemingly harmless e-mail, shared files or links -- allow a hacker to secretly take over someone's computer and then use it to send out more viruses, pornography or other illegal materials.

"They can basically come and go at will," said Paul Coggins, a former U.S. attorney from Texas. "The amount of damage they can do is incalculable, really. They might take over your e-mail, attach a kiddie porn picture, and send it out to everyone on your e-mail list with the subject line, 'Thought you might be interested in this.'"

In England, criminal complaints against two defendants have already been thrown out after their attorneys argued that child pornography on their computers was secretly installed by hackers. The technique can not only make the unwitting computer user appear guilty, but can complicate criminal cases in which a defendant's guilt is tied to his Web surfing, e-mailing, or file-downloading habits.

<https://www.justice.gov/criminal/file/442156/download>

In the "Prosecuting Computer Crimes". This publication is the second edition of "Prosecuting Computer Crimes" and updates the previous version published in February 2007. This is about Internet Fraud (e.g., auction fraud or "phishing") Page 156. 18 U.S.C. § 1030(a)(4) (accessing a computer to defraud and obtain something of value). 18 U.S.C. § 1028 (fraud in connection with identification documents and authentication features) Fraud 18 U.S.C. § 1028A (aggravated identity theft). Unlawful Conduct: Extortion: Applicable Federal Law: 18 U.S.C. § 1030(a)(7)

(transmitting, with intent to extort, communication containing threat to cause damage); 18 U.S.C. § 875(b), (d) (transmitting, with intent to extort, threat to kidnap or harm a person, or threat to injure a person's property or harm a reputation) (Hobbs Act) CTS 18 U.S.C. § 1951 (interfering with commerce by robbery, extortion, threats or violence).

Interception of Electronic 18 U.S.C. § 2511 (intercepting electronic communications) CCIPS Communications 18 U.S.C. § 2701 (accessing stored communications) CCIPS 18 U.S.C. § 1030(a)(2) (accessing a computer and obtaining information) CCIPS Cyberstalking 18 U.S.C. § 2261A (using any facility of interstate or foreign commerce to engage in a course of conduct that places person in reasonable fear of death or serious bodily injury to person, person's spouse or immediate family) See also Electronic Harassment. Page 160

Hate Crimes Look to civil rights laws and penalty enhancements Civil Rights. Page 161

Searching & Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations

https://cdn.ca9.uscourts.gov/datastore/library/2013/02/26/CDT_cyber.pdf

In some cases, computers provide the means of committing crime. For example, the Internet can be used to deliver a death threat via e-mail; to launch hacker attacks against a vulnerable computer network; to disseminate computer viruses; or to transmit images of child pornography. Has the prosecution proved beyond a shadow of a doubt that there were no viruses on Mr. Hill's computer? They worked with his court appointed attorney to have his own family tell him to say "Guilty". The entire time he wrote to the court that he was innocent, not guilty. His written words say "Innocent" even with the confusion from his bad treatment in jails denying him most of his insulin for almost a year. Even the day of the trial, he kept telling his attorney (prosecution attorney supposed to be court appointed defense attorney) that he was innocent because he was and is innocent! But, of course, they ignore that part as they continued calling him names "delusional". Yes, after years of this injustice, he and his family are angry. Read all 8 PDFs including "Threats" & "Brian's Treatment in Jail" & "Actual Innocence".

<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1348&context=nlr>

I gave a false confession on August 29, 2012 to two police detectives at the Mayodan Police Department located at 101 North 3rd Ave., Mayodan, NC. I was threatened by Mayodan, NC Police Chief Charles J. Caruso to "Fess Up" and that if I did not fess up then my own mother would be held responsible for the criminal charge. I was also coerced on August 2012 into producing false confession statements. I told the Detectives that I did not download the child porn but they told me a claim that they believe they had found it on my computer and said I had better just tell them. Then I changed my statements to whatever they had wanted to hear. That was why I had suspected evidence tampering because they had admitted to have been on my computer to make such a claim to have found files on there. The police detectives are not SBI crime lab technicians and are not computer forensic scientists under strict LAB/ASCLD standards. They just accessed my computer to make such a claim of finding files. That was why I had attempted to suppress the evidence and that I believe I was framed with child porn. I believe that the evidence may have been tampered with because of such admission that the police accessed my computer without the

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 17 of 99

I am Innocent of the charge and am willing to prove Actual Innocence or let a Jury decide my fate in the worst case scenario. I am Innocent and am willing to prove my Innocence for the rest of my life.

As you may notice in the image excerpt of Page 15 in the Mayodan Police Report regarding myself, the Police Detective Christopher Todd Brim (Mayodan Police Detective Sergeant) logged my interview with police as to have started at the time 08/29/2012 11:23:00, Wednesday. Yes that is correct Mr. President, I was interviewed for apparently over an hour around lunch time. I had no diabetic blood glucose testing meter with me while I was being interrogated by the two police detectives. I had no diabetic insulin with me. I had no glucose tablets while at the Police Station. The Police knew that I was Type 1 Diabetic because they were accusing me of having illegal drug syringes which of course is not true. I told them that those are insulin shot needles/syringes because I am a diabetic. My family informed them that I was diabetic but they didn't care.

So I was questioned around lunch time to after 12:00AM which of course that time was heading into the afternoon. After I gave my false confession and told the police Detectives different things that weren't true, because I was afraid that my own mother would be held responsible, as per Police Charles J. Caruso's threat that my mother would be held responsible if I didn't "fess up". My mother is my legal/biological parent and my caretaker as reported in the U.S. District Court for Colorado in regards to Righthaven v. Brian D. Hill (2011 Federal case). Without my mother taking care of my diabetic low blood sugars, I am at major risk of death, seizure, or coma. After I gave my false confession, me and my mother ate at Arby's and I was manipulated into thinking that I was guilty when in fact I wasn't.

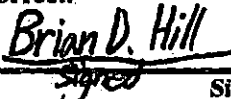
A diabetic expert I spoke to at Carilion Franklin Memorial Hospital in Rocky Mount, VA, thought that by being questioned around lunch time, that my blood sugar can run low by being worn down by the Detectives' questioning. So it is a form of coercion to force a Type 1 brittle diabetic to being questioned around lunch time for over an hour, being coerced to falsely admit guilt, knowing that my blood sugar can run low during the questioning, that I can fall unconscious. The Police knowingly violated my rights under the Americans with Disabilities Act (ADA).

The reason I had accepted responsibility falsely in my criminal case was because Judge Osteen had either hinted or threatened to take away my acceptance of responsibility which would threaten my prison sentence of Time already served which means that I would get out of jail to protect my health from further deteriorating due to my Type 1 brittle diabetes. The reason I had falsely plead guilty was due to multiple valid reasons and one was to get a prison sentence of Time Served so that I could get out of jail. My family told me to plead guilty in the court room due to ineffective assistance of counsel and bad legal advice to the best of my knowledge of what they had told me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2017.


U.S.W.G.O.


Signed
Brian David Hill (Pro Se)
Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2, Martinsville, VA 24112

Brian's Grandma, Stella 11/14/2017 (Document 134 Pages 37-71)

I told Judge Osteen on September 30, 2014 after the judge was bringing out the declaration from Attorney Sue Basko that Brian was innocent of knowingly downloading child porn. As Brian's witness, here's my proof: Brian is including the proof documents in his 2255.

Brian called me upset on July 12, 2012 and told me the same thing that is in this article that I read on the Alex Jones' Prison Planet page dated July 12, 2012 titled "The Police are harassing my mom now" on July 12, 2012 at 07:57:02 PM (read 2745 times). Brian is saying that his mom was walking to the

chamber. We need to shine the light on these people". For proof, see document 45: Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20. Also for timeline of events see Page 12 of 20. Brian and his mom had lived in this same house for over 7 years at this time, and this was the first time anything like that had happened. Apparently Brian was given a vision about the future because 8 days after he wrote this, according to the Mayodan police department report and the NC SBI Discovery report, child porn (or items of interest) was being downloaded on Brian's computer 8 days later on July 20, 2012.

I was friends with Brian on his USWGO Facebook page, and on July 14, 2012 at 4:16 PM Brian (USWGO) created an event. (NOW THIS IS 6 DAYS BEFORE CHILD PORN IS ON HIS COMPUTER according to Reidsville police, Bridge and the NC SBI Discovery report). The event is to confront Senator Phil Berger. This is what Brian wrote: USWGO Brian Hill: "This is his picture. Remember to confront him legally and lawfully. If you can't afford to go to Raleigh or Mayodan, then confront him anywhere close by to where you live. We need to give no excuses. The press needs to ask him hardball questions". Case 1:13-cr-00435-WO Document 32 Filed 09/15/14 Page 6-7 of 7.

In August, 2012, my husband and I went to Georgia and attended my youngest grandson's Army graduation ceremony. My husband and I visited Brian and his mom on August 28, 2012 and noticed that Brian was having a rough time on his computer, fighting some type of virus or hacker. We had been used to seeing Brian fighting these for about 3 years since he started his alternative news webpage, but this one seemed to be worse than any other. He refused to leave his computer that entire morning, just kept fighting this, and I was thinking that all of this time when we told him that he needed to keep an antivirus program on his computer, and he would tell us that this slowed down his computer; whatever he was fighting on his computer that day was a lot slower than any anti-virus would

be. Then that afternoon, someone knocked on the door. We saw Mayodan chief of police, Charles Caruso handing my daughter a search warrant order and telling her they were looking for child porn on computers at this residence. My first thought was the video Brian put on his YouTube channel where this same chief of police was now at Brian's front door and that this is a set up. There was no way anyone from this house would be downloading child porn. Then this same chief of police stood on the front porch with us and kept telling Brian to fess up to downloading child porn. He said there were only two people who lived in this house, and one of them was downloading child porn, and he didn't think it was the mother. We (my husband, daughter and I wrote affidavits (signatures witnessed by a notary)

about this and sent these as an email attachment to Brian's court appointed attorney in December, 2013 and later sent these to Brian to file in the court in September, 2014). We all knew for a fact that Brian didn't like to be around children because they were too loud. If he was interested in little children, he would be walking up to them on our outings and vacations and taking photos of them. He never once did that. If a child or adult got in the way of his nature photos, he would get upset. He would go

the house by himself. We heard his mom tell the police that Brian has autism and brittle diabetes. The policeman who stood on the porch with us the entire time was very nice, and he called in to the 2 police detectives in the house that Brian had autism and brittle diabetes. They still kept calling Brian in the house by himself, ignoring this. Brian would come back and tell us what they said. One time they

We watched in shock as these police removed many items from the house and put in their vehicles. It felt like someone was robbing my daughter and grandson. If this happens, you call the police, but this was the police. They were removing all of their memories, all of their vacation photos and family photos and videos which are recorded in computers and hard drives, memory sticks, homemade CD's and homemade DVD's. My daughter is an author of books and writes poems. My grandson had written many articles for his USWGO page and for other web pages, had interviewed famous people. Police took all of this on that day. They took personal things that can never be replaced. They were not illegal items. They took phones and their internet router so they couldn't call anyone. They left behind a

09/26/14 Page 11 of 20. Brian had also gotten a petition about anti-NDAA with over 200 signatures from people in Rockingham County, NC and handed this petition to Phil Berger at the May 14, 2012 town hall meeting and was asking NC State Senator, Phil Berger about this petition on July 9, 2012 when the Mayodan police detective, Caruso grabbed Brian by the arm and removed him from the public town hall meeting (the video and article Brian put on his USWGO YouTube page and USWGO alternative news). See Case 1:13-cr-00435-WO

Document 37 Filed 09/18/14 Page 33 of 75 and Case 1:13-cr-00435-WO Document 37 Filed 09/18/14 Page 39 of 75. Then according to the Mayodan police report, child porn was being downloaded on Brian's computer on July 20, 2012 and all computers were removed from Brian's house by the local Mayodan town hall police on August 28, 2012. Very soon after Brian hired an attorney in November 8, 2013, and this article about more child porn attempts

Page 9 of 38

Would this be considered a "conflict of interest"? Then there was nothing on the NC SBI discovery report that showed "children were the victims"; instead it said that "North Carolina" was the victim. If there is child porn found on your computer downloaded from the internet, and the court can't identify who the children are, then why would it say that the victim was the state of NC? We were told that there would be photos as proof, but they would be blurry. There was not one photo in this report, just typed words and dirty descriptions typed with the words "baby" or "child" in the typed descriptions. What really got my interest was when I read the dates that items of interest were being downloaded on Brian's computer. That really stood out to me. This was the first and only police raid that I was involved in. I was not the victim in this raid, but the effects are with me today, every time the door bell rings, every time I see a police officer. The date August, 2012 stays with me, never to leave, yet the dates that items of interest according to this NC SBI Discovery report was: July 20, 2012 to July 28, 2013. All computers and hard drives were removed from Brian's house on August 28, 2012 (netbook was removed on Aug. 29, 2012) by the Mayodan police and one police from Reidsville, Rockingham County, NC (Bridge) who is a brother of Phil Berger Jr's assistant DA. She (Bridge) was running for the office of Rockingham County district attorney in 2014 and lost. Phil Berger Jr was running for the office of US congressman from NC in 2014 and lost. Conflict of interest more ways than one?

Brian's Grandpa, Kenneth 11/14/2017 (Document 134 Pages 74 – 75

I, Kenneth R. Forinash, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

We have caught the Mayodan Police Department in numerous lies. Detective Todd Brim lied to me on the phone in December 2013 when I talked to him and asked him when Brian could retrieve his items. He said there was no warrant issued for him and that he could come pick his inventory items up, then when I called back 2 days later to let him know Brian was hospitalized he informed me that there was an arrest warrant out for Brian. If we had taken Brian to Mayodan, he would have been arrested and for someone with Autism, expecting one thing and getting another, that would have been traumatic.

I overheard Roberta Hill, Brian's mother inform the officers that Brian had Autism, and one of the officers who stayed outside with us informed those that were conducting the search warrant about his Autism, yet they still questioned Brian with no advocate present. I also overheard Police Chief Charles Caruso tell Brian to "Fess up" because if you didn't do this, your mother will be held responsible while we were all standing outside on the front porch.

I am the father of 5 children, 14 grandchildren and 15 great grandchildren. I have always said I would not hesitate to let Brian be in contact with any of my grandchildren because he has no interest in children, and I know he would not harm, nor do anything to a child. They at times get on his nerves and he doesn't want anything to do with them. He ignores children when we are on outings and concentrates on nature photos and political agendas.

I have read Roberta Hill and Stella Forinash's letters in support of Brian, and agree with all they have said in subject letters. I know for a fact that Brian is completely innocent of the charges against him. There is absolutely no doubt in my mind of this.

Brian's Mom, Roberta 11/14/2017 (Document 134 Pages 77- 87

I, Roberta Ruth Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I raised Brian as a single parent and I am very close to him. I had to give him daily insulin shots for 14 years, daily blood glucose tests, and treat insulin reactions, as well as deal with seizures brought on from hypoglycemia. Even after he turned 18 years old, I still had to do daily blood glucose tests when he slept or had low blood sugar, and I had to remain close to him at all times to prevent and treat insulin reactions and to help him through seizures. Brian does not drive, so I have to take him to his doctor appointments, to pick up prescriptions, to run

errands, grocery shopping and on recreational outings. During all of this time that I spend with Brian daily, I have never seen him have an interest in children. These allegations and labels are false to the person that I know and have spent almost every day with since he was born. During the time frame of the police raid, I was dealing with severe insulin reactions and seizures many times per month, and could not leave him alone for more than a couple of hours at the time. Many times I checked on him to find him having a severe insulin reaction in which he had fallen on the floor and many seizures. This was a regular occurrence during that time span that he was accused of downloading child porn.

The police asked me some questions about his autism, and I answered them as best as I could. The problem is that Brian can appear to be very expressive and

1) Evidence of coercion from eyewitness account.

Jailed with Autism Page 9

I can remember that he kept telling my son to "fess up" and that "someone living in the home downloaded these illegal files and that it had to be either him or his mother and that he didn't think it was his mother." He was completely badgering him and pressuring him to confess to a crime that he never committed.

He made him believe that he was going to charge his mom with the crime if he did not confess.

- 2) Evidence that they didn't know how to question someone with autism from eyewitness account.

Jailed with Autism Page 23-24

They did not consult an expert in autism, nor did they get a professional to come in and test him to see how much he understands, despite the fact that autistic people are in danger of giving false confessions. Autistic people have trouble understanding conversations and questions as a part of their disability, and yet these police officers with no training about autism were allowed to question him alone. It is not uncommon for people with autism to misunderstand what they are being told and yet the police officers did not contact an autism expert to be there during his questioning, nor did they have any kind of training of how to question someone with autism.

There is a paper called *Interview and Interrogation of people with autism (including Asperger syndrome)* which is written by Dennis Debbaudt. He points out various reasons why a person with autism will give a false confession due to

There is proof of false confessions in the discovery report, as seen by eyewitnesses.

My mom noticed that the date range for the child porn files was way off, and when I read it, I was shocked. I wrote down the information about the dates in my notebook since we were not allowed to make copies of the discovery report. It said, "From the analysis, this record showed that 454 files had been downloaded with the eMule program between July 20, 2012 and July 28, 2013." Keep in mind that the police raid search was on August 28, 2012. This means that just after 39 days the photos were continuing to be downloaded in the town's custody and then later in the SBI's custody. For about 11 months the images were being put onto Brian's computer by someone or by the trojan virus that had infected Brian's computer prior to the police raid because after August 28, 2012, he no longer had his laptop computer.

Interview of Brian David Hill

- Q. What is your computer usage and knowledge?
 A. I download movies, programs and music.
 Q. What type of download software do you use?
 A. I use bit torrent programs, like eMule. I only download. I don't share.
 Q. Does your mom ever get on your computer?
 A. No.
 Q. Did you use any other computers to download files?
 A. Yes. But I use my black Toshiba the most.
- Q. What is your email password?
 A. [REDACTED]. admin@uswgo.com
 Q. How long have you been downloading and viewing child pornography?
 A. About a year or so.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

B) Jailed with Autism Page 24

Brian confessed to uploading child pornography onto his computer, and he also told the police officers that he put child pornography on his netbook, so we had to hand the netbook over to the police officers immediately.

We left the police office, and the police followed us to our house. My son searched for his netbook and then gave it to them. It was odd that the police officers had not taken the netbook during the police raid, and I do not know if they didn't see it or if

Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 81 of 99

The netbook confession actually became a lot more interesting later on in our own personal investigation due to the fact that they never found child porn on the netbook. This was another false confession that Brian made during the interrogation. I will tell more about our discovery about this erroneous confession in a later chapter.

My mom, stepdad and I met with his second lawyer Scott Coalter in October, 2014 to ask him some questions. He went over some of the discovery report with us. He showed us Brian's confession in the discovery report from the Mayodan Police Department interview report. This is down below.

Mayodan Police Department Interview Report

Q. Is there any other child pornography on any other computers?

A. Yes. I have a Netbook at home that you didn't get.

Q. What is your IRC user name and password?

A. uswgo / [REDACTED].

Q. Do we have your permission to view your emails?

A. Yes. [BH]

I asked Mr. Coalter if they had found child porn on his netbook. He took the time to look up the serial number of the netbook in the discovery report and he told us they had not found child porn on his netbook. This proves that Brian gave another false confession.

Brian Hill filed a FOIA request in an attempt to get his discovery report, which has been denied to him, but he did not receive any of the discovery report that contained the evidence of the dates or about the netbook. He has been forced into filing a FOIA lawsuit in 2016 in the state of Virginia, and this case is still in the court and a hearing has been scheduled for next year.

Why is Brian Hill being denied the discovery report when it contains clear evidence that he is innocent?

One of the police officers tried to have a conversation with me while he looked for his netbook. He said that he had a diabetic son, and I remember asking him if his child had seizures too, and he said that he didn't. This is the only thing that I remember that was said during that time, and this conversation seems so odd to me now writing about it years later. Particularly, when I consider the fact that low blood sugar could have possibly played a role in the false confession.

If we also factor in the fact that his questioning was around lunchtime, and that he had not yet eaten, and that we did not know what his blood sugar was at the time of questioning, then it is quite possible that his blood sugar might have dropped during the questioning, and they might have taken advantage of his lack of being coherent during an insulin reaction. This could have been possible, and the fact that one of the police officers who questioned him had a son with diabetes meant that he was well aware of how incoherent and confused someone can become when their blood sugar is low.

I was present when they took him back for questioning and not once did they ask if he needed to test his blood sugar or if he needed to get something to eat prior to their questioning. We do not know what Brian's blood sugar was prior to the questioning.

- 5) I was a witness to one of the hearings, which showed that the Judge did not understand autism and how it could have affected his false confession.

I would like to address the judge's question to my mom at that hearing. The judge asked, "What does the autism got to do with his guilt or innocence?" I will answer that question here in my book. Autistic people are known to give false confessions, and this has been proven by psychologists in various studies. In the paper "Interview and Interrogation of people with Autism (Including Asperger syndrome)" by Dennis Debbaudt, he outlines possible traps that can occur when interrogating a person with autism. In one paragraph he says, "The higher-functioning person through his or her responses, and the unaware interrogator through their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false

Case 1:13-cr-00435-TDS **Document 134** Filed 11/14/17 **Page 84** of 99

confession." It is a well known fact that autistic people are in danger of giving false confessions; therefore, this is now being put on autism first responder cards. These are cards that are carried by people with autism and their families to be given to the police, fire fighters, EMT's and other departments in the case of an emergency or questioning by the police.

My parents and I got a depressing call from Brian's lawyer on the same night. He talked to me for about an hour, and he tried to pressure me into convincing Brian to take the plea agreement. I was told that the jury would see the evidence that the SBI found on Brian's computer, and they would be told of his confession at the police department the day after the raid on our home. In addition to this there was

told that he would not tell the jury about Brian's autism. He said that my parents and I would not be permitted to testify for Brian. He told me that Brian could get 20 years in prison, and that he believed he would get the 20 years if he didn't take the plea. I was devastated! I told him that I would talk to Brian when he calls me.

These calls were on June 9, 2014. There was supposed to be a jury picked the very next day. Brian did not call his mom or grandparents on June 9th, probably spending the entire day working on his case to prove his innocence. He went to bed that night and woke up the next morning knowing he was innocent and had never even seen child porn. When we got to court early the next day, we saw Attorney Placke, and he was angry because Brian kept telling him he was innocent and refused to say he was guilty as he had learned that lesson at the police station on

Aug. 29, 2012. When I saw Brian coming in the court, I hollered "Take the guilty plea" before the judge came in. Brian trusted us and did what I told him. We did not have a chance to explain anything to him.

We did not know at the time that on court days Brian was not getting any insulin & was at court with extremely high glucose readings after eating breakfast and sometimes lunch. On these days, he was only given 1 insulin shot, and that was in the evening. The very next morning, Brian called me and was angry. He was innocent (We knew that too). He felt like I betrayed him. He continued saying & writing over and over again "I'm innocent". His court appointed attorney (Placke) continued ignoring him and working against him. (Brian's grandma, Stella)

Even the public Defender's office admitted that Brian's court attorney was not ready, and this trial needed to be delayed: Case 1:13-cr-00435-WO Document 18 Filed 06/04/14 Page 2 of 4

6. The Defendant submits that failure to grant the requested continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account both the exercise of due diligence and the Defendant's condition, as detailed in the report filed with the Court on May 8, 2014, that the ends of justice are best served by granting this continuance, and that they outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the Defendant agrees that any delay occasioned by the granting of this continuance should be excluded in computing the time within which the trial of this matter must commence. *See* Title 18, United States Code, Sections 3161(h)(7)(A), (B)(iv).

WHEREFORE, the Defendant hereby moves for an order continuing the trial of this matter to the July 2014 Criminal Term.

Respectfully submitted this the 4th day of June, 2014.

LOUIS C. ALLEN III
Federal Public Defender

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Case 1:13-cr-00435-WO Document 18 Filed 06/04/14 Page 3 of 4

Today (March 30, 2022) as Brian's grandmother is typing this, copying & pasting to this document (PDF) to prove BRIAN DAVID HILL is INNOCENT of these criminal charges, and the guilty party

here is actually the police department and the 3 lawyers in Brian's case. April is AUTISM AWARENESS MONTH <https://iacc.hhs.gov/meetings/autism-awareness-month/2022/>. We join the United Nations and the U.S. government in recognizing the needs of people on the autism spectrum and their families. Brian is guilty of having autism spectrum and type 1 brittle diabetes with seizure history, all before the age of 4. The police department of Mayodan, NC is guilty of not obeying the Americans with Disabilities Act on August 29, 2012 which caused this false confession and misleading statements. See PDF "ACTUAL INNOCENCE".

All attorneys in this case are guilty of ignoring the conflicts in their discovery materials (police department report from 2012, the NC SBI report from 2013 and the government findings) as well as all proof of Brian's innocence including the threat emails and of ignoring all witnesses and are guilty of causing all kinds of pain and torture due to jails & the Civil Rights and the constitutional rights of this prisoner by not providing bail so he could be home getting all of his insulin. They told family he might be able to come home under unreasonable circumstances. He, his mom and his elderly, disabled grandparents would not be able to have a phone in their apartments, and his mom's & grandparent's apartments & computers would be searched which is a clear violation of all constitutional rights for Brian and his entire family. The jails are guilty of not providing all of the prescribed medicine (insulin) that this diabetic needed and ignoring autism. All of this resulted in "CRUEL & UNUSUAL PUNISHMENT daily for almost a year in 2014 as well as Civil Rights and Constitutional violations. This court is guilty of ignoring the Americans with Disabilities Act and not providing a medical expert to explain about these disabilities. If the federal court is exempt from that legal law, then it's time for all of us to question WHY? Because these disabilities don't leave every time a disabled person walks in a court room. If anything, the stress might even make them worse.

What would happen if a deaf person is not given aids in a court of law? What happens if a blind person is not given aids during court as part of the Americans with Disabilities laws? What happens if a person with autism is not given aids in a court of law? People with high functioning autism in Brian's case needs an autism coach or expert when being questioned by police or in court. <https://www.verywellhealth.com/do-you-need-an-autism-coach-5091922>

What type of aids would a person with type 1 diabetes need? Someone to check their glucose right before their case: Then if it's high (over 200), insulin. If it's low (70 or under), glucose tabs; juice or a sweet drink. Was Brian given any of these aids during the police interrogation in 2012 or at court at any time from December, 2013 until November, 2014? What does the U.S. government say about "Brittle Diabetes" & "Autism Spectrum Disorder (ASD)?"

<https://rarediseases.info.nih.gov/diseases/11900/brittle-diabetes>

<https://rarediseases.info.nih.gov/diseases/10248/autism-spectrum-disorder>

If Brian David Hill was truly guilty of downloading child porn which is a clear crime against innocent children, he got off light with just less than a year in jail and should be thankful. However, it's just the opposite. An innocent person should not even spend one night in jail. Brian is angry, talks about this every day and has been fighting for years to prove his innocence to the court and providing his proof. Brian's family has watched his health getting worse and has seen him in a lot of pain from carpal tunnel syndrome from all of the typing he does. From time to time he has to go to urgent care for this, and they won't give him the medicine he needs due to his brittle diabetes (causing blood glucose to go extremely high even with the insulin).


There was a doctor report right after the police raid due to this causing more problems for Brian including depression & suicidal thoughts. This medical record is from September 6, 2012.

Re: Brian Hill
DOB: 5-26-90

To Whom It May Concern:

Brian Hill is a current patient at Western Rockingham Family Medicine. He has a diagnosis of Type I Diabetes, GERD, Autism, and depression with suicidal thoughts. His medication list is as follows: Nexium 40 mg, 1 po qd, Lantus Solo star pen, 36 units q hs, Novolog flex pen--sliding scale, Lisinopril 5mg, 1 po qd. Mr. Hill has an inability to take of himself, therefore needs around the clock care. If further assistance is required, please do not hesitate to contact our office at (336) 548-9618.

Sincerely,


Andrew Maier, PA-C
Western Rockingham Family Medicine

Case 4:17-cv-00027-JLK-RSB Document 12-2 Filed 06/12/17 Page 2 of 2

<https://www.courtlistener.com/docket/6064365/12/2/hill-v-executive-office-for-united-states-attorneys/>

Brian needs to be acquitted due to ACTUAL INNOCENCE & ineffective attorneys ignoring evidence, witnesses, his disabilities, all constitutional and Civil Rights laws. He needs to be removed from probation and the sex registry which is supposed to contain names of guilty people, not innocent, disabled people who are not given the aids to avoid misleading statements, confusion and false confessions by law professionals.

According to the North Carolina Bureau of Investigation's Case number 2012-02146 915, files of interest were being downloaded from July 20, 2012 until July 28, 2013. This was the time frame of 11 months when Brian Hill no longer had that laptop.

"None of the children have been identified as part of a known series by the National Center for missing and exploited children (NCMEC)" Document #33, Filed 09/16/2014, Page 6 of 26

Just today on April 14, 2022, April is Autism Awareness Month. I typed in Google search "associated press article child porn virus" and got many results. Here are some:

<https://www.robertslawteam.com/articles/child-pornography-through-a-computer-virus/>

CNBC News from Nov. 2009 and updated on September 2013:

<https://www.cnn.com/2009/11/09/framed-for-porn-by-a-pc-virus.html>

FOX NEWS Jan 14, 2015

<https://www.foxnews.com/story/framed-for-child-porn-by-a-pc-virus>

The Week Staff Jan. 8, 2015 Jan 8, 2015 — Computer viruses are bad enough when they steal your credit-card number or crash your PC, but an *Associated Press* investigation found

<https://theweek.com/articles/499885/child-porn-pc-virus>

<https://www.timesunion.com/news/article/Framed-for-child-porn-by-a-computer-virus-552171.php>

CBS NEWS Sept. 2009

<https://www.cbsnews.com/news/viruses-frame-pc-owners-for-child-porn/>

<https://www.cbsnews.com/news/child-porn-virus-threat-or-bad-defense/>

And many more.

This along with all of our other proof from 8 PDFs would prove to a jury or an honorable judge "ACTUAL INNOCENCE" or at least "Benefit of a Doubt". When you take away the "words" of someone with a communication disability and provide the facts as we have done in these 8 PDFs, then it is time to immediately acquit Mr. Hill of this charge, remove him from probation and the sex offender registry! Thank you for your time reading all PDFs. God bless you.

Stella Burnette & Kenneth R. Forinash TSgt, USAF, Ret (Brian David Hill's maternal grandparents)